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Title 7—AGRICULTURE

Chapter VII—Commodity Stabilization Service (Farm Marketing Quotas and Acreage Allotments), Department of Agriculture

[Amdt. 3]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for 1959 Crop of Extra Long Staple Cotton

RELEASE AND REAPPORTIONMENT

Basis and purpose. The purpose of this amendment is to provide that acreage allotments released from a farm for which an application for participation in the conservation reserve program of the Soil Bank is pending may not be reapportioned. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

Since 1959 farm allotments are now being released, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.268(b) of the regulations pertaining to acreage allotments for the 1959 crop of extra long staple cotton (23 F.R. 8778, 9447, 9668) is amended so that the proviso in the first sentence reads as follows: "Provided, however, That any allotment released from a farm which is covered in whole or in part by a Soil Bank Conservation Reserve Contract, or for which an application is pending for a Conservation Reserve Contract, shall not be reapportioned by the county committee to any other farm or released to the State committee for reapportionment to other counties."

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply sec. 344, 63 Stat. 670, as amended; 7 U.S.C. 1344; sec. 115, 70 Stat. 196; 7 U.S.C. 1803)

Done at Washington, D.C., this 20th day of February 1959. Witness my hand and the seal of the Department of Agriculture.

[SEAL] WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.

[F.R. Doc. 59-1681; Filed, Feb. 25, 1959;
8:54 a.m.]

[Amdt. 4]

PART 722—COTTON

Subpart—Regulations Pertaining to Acreage Allotments for 1959 Crop of Upland Cotton

RELEASE AND REAPPORTIONMENT

Basis and purpose. The purpose of this amendment is to provide that acreage allotments released from a farm for which an application for participation in the conservation reserve program of the Soil Bank is pending may not be reapportioned. The amendment contained herein is issued pursuant to the Agricultural Adjustment Act of 1938, as amended (52 Stat. 31, as amended; 7 U.S.C. 1281 et seq.).

Since 1959 farm allotments are now being released, it is essential that this amendment be made effective as soon as possible. Accordingly, it is hereby determined and found that compliance with the notice and public procedure requirements and the 30-day effective date requirement of section 4 of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003) is impracticable and contrary to the public interest and this amendment shall be effective upon filing of this document with the Director, Division of the Federal Register.

Section 722.218(b) of the regulations pertaining to acreage allotments for the 1959 crop of upland cotton (23 F.R. 8385, 9437, 9663; 24 F.R. 558) is amended so that the proviso in the first sentence

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CFR SUPPLEMENTS

(As of January 1, 1959)

The following supplements are now available:

Title 8 (\$0.35)

Titles 22-23 (\$0.35)

Title 25 (\$0.35)

Title 49, Parts 91-164 (\$0.40)

Previously announced: Title 3, 1958 Supp. (\$0.35); Title 46, Parts 146-149, 1958 Supp. 2 (\$1.50)

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reads as follows: "Provided, however, That any allotment released from a farm which is covered in whole or in part by a Soil Bank Conservation Reserve Contract, or for which an application is pending for a Conservation Reserve Contract, shall not be reapportioned by the county committee to any other farm or released to the State committee for reapportionment to other counties."

(Sec. 375, 52 Stat. 66, as amended; 7 U.S.C. 1375. Interpret or apply sec. 344, 63 Stat. 670, as amended; 7 U.S.C. 1344; sec. 115, 70 Stat. 196; 7 U.S.C. 1803)

Done at Washington, D.C., this 20th day of February 1959. Witness my hand and the seal of the Department of Agriculture.

[SEAL] WALTER C. BERGER,
Administrator,
Commodity Stabilization Service.
[F.R. Doc. 59-1682; Filed, Feb. 25, 1959;
8:55 a.m.]

Chapter IX—Agricultural Marketing Service (Marketing Agreements and Orders), Department of Agriculture

[938.300 Amdt. 4]

PART 938—IRISH POTATOES GROWN IN THE RED RIVER VALLEY OF NORTH DAKOTA AND MINNESOTA

Limitation of Shipments

Findings. (1) Pursuant to Marketing Agreement No. 135 and Order No. 38 (7 CFR Part 938), regulating the handling of Irish potatoes grown in the Red River Valley of North Dakota and Minnesota, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq., 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Red River Valley Potato Committee, established pursuant to said marketing agreement and order, and upon other available information, it is hereby found that the amendment to the limitation of shipments, as hereinafter provided, will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule making procedure, and postpone the effective date of this amendment until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that (i) more orderly marketing in the public interest, than would otherwise prevail, will be promoted by regulating the shipment of potatoes, in the manner set forth below, on and after the effective date of this amendment; (ii) compliance with this amendment will not require any preparation on the part of handlers which cannot be completed by the effective date; (iii) a reasonable time is permitted under the circumstances, for such preparation; and (iv) this amendment relieves restrictions on the handling of tablestock potatoes.

Order, as amended. In paragraph (b) of § 938.300 (23 F.R. 5557, 7102, 7666, 8153), delete subparagraph (5) and substitute therefor new subparagraphs (5) and (6) as set forth below, and redesignate present subparagraphs (6) and (7) as subparagraphs (7) and (8), respectively.

§ 938.300 Limitation of shipments.

(b) Order. * * *

(5) *Shipments for charitable institutions.* The limitations set forth in subparagraph (1) of this paragraph shall not apply to shipments of tablestock potatoes to charitable institutions: *Provided*, (i) Such potatoes meet the requirements of the U.S. No. 2 or better grade, and are 2 inches minimum diameter or 4 ounces minimum weight, and (ii) a Certificate of Privilege applicable to such potatoes is obtained pursuant to the provisions of § 938.120.

(6) *Special shipments.* The limitations set forth in subparagraph (1) of this paragraph are not applicable to shipments of tablestock potatoes for canning or freezing. Each handler of tablestock potatoes for canning or freezing shall report to the committee each such shipment by one of the following methods: (i) By supplying a copy of the inspection certificate applicable to each shipment, or (ii) by obtaining a Certificate of Privilege applicable to such shipment pursuant to the provisions of § 938.120.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c)

Dated: February 20, 1959, to become effective February 28, 1959.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.
[F.R. Doc. 59-1678; Filed, Feb. 25, 1959;
8:54 a.m.]

[Lemon Reg. 778, Amdt. 1]

PART 953—LEMONS GROWN IN CALIFORNIA AND ARIZONA

Limitation of Handling

Findings. (1) Pursuant to the marketing agreement, as amended, and Order No. 53, as amended (7 CFR Part 953), regulating the handling of lemons grown in California and Arizona, effective under the applicable provisions of the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.; 68 Stat. 906, 1047), and upon the basis of the recommendation and information submitted by the Lemon Administrative Committee, established under the said amended marketing agreement and order, and upon other available information, it is hereby found that the limitation of handling of such lemons as hereinafter provided will tend to effectuate the declared policy of the act.

(2) It is hereby further found that it is impracticable and contrary to the public interest to give preliminary notice, engage in public rule-making procedure, and postpone the effective date of this

amendment until 30 days after publication hereof in the FEDERAL REGISTER (60 Stat. 237; 5 U.S.C. 1001 et seq.) because the time intervening between the date when information upon which this amendment is based became available and the time when this amendment must become effective in order to effectuate the declared policy of the Agricultural Marketing Agreement Act of 1937, as amended, is insufficient, and this amendment relieves restriction on the handling of lemons grown in California and Arizona.

Order, as amended. The provisions in paragraph (b)(1)(ii) of § 953.885 (Lemon Regulation 778; 24 F.R. 1151) are hereby amended to read as follows:

(ii) District 2: 162,750 cartons.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c)

Dated: February 19, 1959.

[SEAL] S. R. SMITH,
Director, Fruit and Vegetable
Division, Agricultural Mar-
keting Service.

[F.R. Doc. 59-1649; Filed, Feb. 25, 1959;
8:49 a.m.]

PART 989—RAISINS PRODUCED FROM RAISIN VARIETY GRAPES GROWN IN CALIFORNIA

Modification of Minimum Grade Standards for Packed Raisins

Notice was published in the February 11, 1959, issue of the FEDERAL REGISTER (24 F.R. 1027) that consideration was being given to a proposal to modify the minimum grade standards for certain packed raisins as hereinafter set forth. The modification was proposed on the basis of the recommendation of the Raisin Administrative Committee and other available information, and is in accordance with the applicable provisions of Marketing Agreement No. 109, as amended, and Order No. 89, as amended (7 CFR Part 989), regulating the handling of raisins produced from raisin variety grapes grown in California, effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601 et seq.).

After consideration of all relevant matters pertaining to the proposal, including the recommendation of the committee, other available information, and the data, views, and arguments which were filed in connection with the aforesaid notice, it is hereby found that to modify the minimum grade standards for certain packed raisins as hereinafter set forth, will tend to effectuate the declared policy of the act.

Therefore, it is hereby ordered, That with respect to packed raisins of the following varietal types and continuing in effect until September 1, 1959, the minimum grade standards prescribed in § 989.59(a)(2), as modified (23 F.R. 6374) pursuant to § 989.59(b), are, pursuant to the authority contained in § 989.59(b), further modified as follows:

1. With respect to natural (sun-dried) Thompson Seedless raisins, natural

(sun-dried) Muscat raisins (other than Seeded (seeds removed)), natural (sun-dried) Sultanina raisins, and natural (sun-dried) Zante Currant raisins, the requirements of "U.S. Grade C" or "U.S. Grade B" (as the case may be) referred to in § 989.59(a)(2) are each modified, insofar as operation under this part is concerned, by eliminating therefrom the mechanical injury restrictions and prescribing in lieu thereof the following new requirements:

(a) The raisins shall be fairly free flowing and not more than 10 percent, by weight, of raisins may be raisins that are seriously damaged by mechanical means.

(b) "Raisins that are seriously damaged by mechanical means" means raisins seriously mutilated by tearing, breaking, cutting, or mashing, or individual raisins from which more than one-fourth of the apparent whole raisin is removed.

It is hereby further found that good cause exists for not postponing the effective date hereof until 30 days after publication in the FEDERAL REGISTER (5 U.S.C. 1001 et seq.) in that: (1) This action makes less restrictive the current minimum grade standards for certain packed raisins in order to permit and facilitate the recovery of raisins suitable for human consumption; (2) it is necessary that this modification become effective promptly so as to maximize the quantity of raisins suitable for human consumption which can be recovered from the remaining portion of the 1958 production and thus reduce the present shortage in the supply of such raisins; (3) handlers are aware that the modification was recommended by the committee, and they need no additional advance notice; and (4) this action relieves restrictions on the handling of raisins. In these circumstances, this regulation should be made effective on the date of its publication in the FEDERAL REGISTER.

(Sec. 5, 49 Stat. 753, as amended; 7 U.S.C. 608c)

Dated, February 19, 1959, to become effective upon publication in the FEDERAL REGISTER.

[SEAL] S. R. SMITH,
Director,
Fruit and Vegetable Division.

[F.R. Doc. 59-1650; Filed, Feb. 25, 1959;
8:49 a.m.]

Title 6—AGRICULTURAL CREDIT

Chapter III—Farmers Home Adminis- tration, Department of Agriculture

SUBCHAPTER C—OPERATING LOANS

[FHA Instruction 441.3]

PART 342—OPERATING LOAN PROCESSING

Revision in Use of Loan Funds

Section 342.7(a), Title 6, Code of Federal Regulations (22 F.R. 24), is revised to modify the conditions under which the County Supervisor may authorize a

change in the use of loan funds, and to read as follows:

§ 342.7 Revision in the use of loan funds.

(a) The concurrence of the official who approved the loan involved ordinarily will be obtained before changes are made in the purposes for which loan funds are to be used. However, changes which do not materially affect the plan of operations may be approved by the County Supervisor with respect to loans approved by other officials provided adequate funds will be available to carry out the purposes of the loan. In all instances, the use made of loan funds must be in accord with the purposes for which Operating loans may be made, and the borrower and the County Supervisor must agree to the changes.

(Sec. 41, 50 Stat. 528, as amended; 7 U.S.C. 1015)

Dated: February 19, 1959.

[SEAL] H. C. SMITH,
Acting Administrator,
Farmers Home Administration.

[F.R. Doc. 59-1651; Filed, Feb. 25, 1959;
8:49 a.m.]

Chapter IV—Commodity Stabilization Service and Commodity Credit Cor- poration, Department of Agriculture

SUBCHAPTER C—EXPORT PROGRAMS REGULATIONS

[Announcement CN-EX-3. (Rev. 1),
Amdt. 5]

PART 482—COTTON PRODUCTS EXPORT PROGRAM

Time for Export

In order to extend the final date for export of cotton products, § 482.9(b) of the Cotton Products Export Program dated November 15, 1956 (21 F.R. 9048), as amended, is hereby further amended so as to read as follows:

(b) *Time for export.* To be eligible for payment hereunder, cotton products must be exported within six months after the date of the export sale or by July 31, 1960, whichever is earlier. An extension of the period for export may be granted by the Chief of the New York office, before or after the expiration of such period for export, if he determines the exporter has been or will be delayed in exporting the cotton products by a cause beyond the exporter's control. Cotton products shall be deemed to have been "exported" when loaded on board an ocean vessel, or if shipment to destination country is by other than ocean carrier, when the shipment clears United States Customs.

(Sec. 4, 62 Stat. 1070, as amended; 15 U.S.C. 714b. Interpret or apply sec. 5, 62 Stat. 1072; 15 U.S.C. 714c)

Issued this 20th day of February 1959.

[SEAL] WALTER C. BERGER,
Executive Vice President,
Commodity Credit Corporation.

[F.R. Doc. 59-1680; Filed, Feb. 25, 1959;
8:54 a.m.]

Chapter V—Agricultural Marketing Service, Department of Agriculture

SUBCHAPTER B—EXPORT AND DOMESTIC CONSUMPTION PROGRAMS

PART 519—FRESH IRISH POTATOES

Subpart—Fresh Irish Potatoes—Livestock Feed Diversion Program ZMD 3a

The provisions of the Fresh Irish Potatoes—Livestock Feed Diversion Program ZMD 3a (23 F.R. 7029) are hereby revised to extend the date for spreading potatoes used for livestock feed after dehydration through a process of alternate freezing and thawing. Section 519.192 paragraph (c) (4) of this subpart is revised to read as follows:

(4) Spreading must take place on or before March 20, 1959.

(Sec. 32, 49 Stat. 774, as amended; 7 U.S.C. 612c)

Dated: February 20, 1959.

[SEAL] S. R. SMITH,
Authorized Representative of
the Secretary of Agriculture.

[F.R. Doc. 59-1679; Filed, Feb. 25, 1959; 8:54 a.m.]

Title 14—CIVIL AVIATION

Chapter I—Civil Aeronautics Board—Federal Aviation Agency

SUBCHAPTER B—ECONOMIC REGULATIONS

[Reg. ER-253]

PART 244—FILING OF REPORTS BY AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS, AND COOPERATIVE SHIPPERS ASSOCIATIONS

Adopted by the Civil Aeronautics Board at its office in Washington, D.C., on the 19th day of February 1959.

A notice of proposed rule-making was published in the FEDERAL REGISTER on October 11, 1956 (21 F.R. 7774) and circulated to the industry as Economic Regulations Draft Release No. 84 dated October 8, 1956. The proposal was essentially an extensive revision of Part 244 so as to provide for more uniform and detailed reporting of financial, operating, and other corporate data by air freight forwarders and international air freight forwarders. The proposed rule also contained a new provision requiring somewhat similar but more limited reporting by cooperative shippers associations.

The type of information deemed needed to properly regulate freight forwarder operations has evolved with the development of this industry and the experience gained with respect thereto since issuance of the draft release.

It has thus been established that much of the data which Draft Release No. 84 would require to be filed are necessary, and the provisions pertaining thereto should be adopted. Hence, those portions of the proposed report (CAB Form 244) incorporated in Draft Release No. 84 with respect to and entitled "General

Officers and Directors; List of Stockholders" and "Corporate and Securities Data; Investments in Other Companies" are adopted without substantial change and will provide pertinent information not previously required by Part 244 regarding (1) the identities and certain financial interests of the officers, directors, and stockholders of the reporting forwarder and (2) such matters as changes in corporate organization, outstanding options to purchase the forwarder's capital stock, and the forwarder's investments in other companies. The "Balance Sheet" set forth in Draft Release No. 84, and not heretofore specifically prescribed by this part, is also adopted with but a minor change to reflect "marketable securities" as a separate asset item. In addition, the requirement proposed to be added to Part 244 for the reporting of insurance coverage and changes therein is hereby adopted except that the manner and time of filing such information is slightly modified. The prescription of specific report forms to be used in submitting all the above-mentioned items will, of course, provide added assurance of the submission of complete and accurate data in a uniform manner.

There appear to be certain other data, however, which Draft Release No. 84 would not require to be filed to the extent recent experience would suggest as desirable. This information pertains to the revenues and expenses of forwarders and the shipments handled by them. Consequently, instead of adopting the proposals in Draft Release No. 84 regarding such information, the related provisions presently in Part 244 merely requiring the filing without prescribed format of a Profit and Loss Statement and certain operating data (as to shipments and consignments) are hereby retained. At the same time, the Board is instituting a new rule-making procedure (by issuance of a Draft Release concurrently herewith) to determine what information in this area should be required. By not changing the provisions of Part 244 at this time, the possible burden on the industry of having to revise their reporting now, and again in the near future upon promulgation of different requirements, is avoided.

The Board finds that this adoption of a portion of the proposals in Draft Release No. 84 and the retention of certain provisions in former Part 244 does not result in any cognizable increase of the reporting burden on freight forwarders over that which the issuance of a regulation derived entirely from Draft Release No. 84 would have entailed.

With respect to cooperative shippers associations the reporting proposal set forth in Draft Release No. 84 is substantially adopted. Such associations shall make annual reports setting forth their revenue and the number and weight of shipments received by them for carriage by air and listing their investments and their officers, directors and substantial stockholders.

All relevant matter presented by interested persons with respect to the formulation of this rule has been duly considered.

In consideration of the foregoing, the Board hereby amends Part 244 of the Economic Regulations (14 CFR Chapter I) effective March 27, 1959, to read as follows:

- Sec.
244.1 Definitions.
244.2 Financial and operating reports by air freight forwarders and international air freight forwarders.
244.3 Insurance reports by air freight forwarders and international air freight forwarders.
244.4 Financial and operating reports by cooperative shippers associations.

AUTHORITY: §§ 244.1 to 244.4 issued under sec. 204(a), 72 Stat. 743; 49 U.S.C. 1324. Interpret or apply sec. 407, 72 Stat. 766; 49 U.S.C. 1377.

§ 244.1 Definitions.

For the purposes of this part:

(a) "Freight Forwarder" means any air carrier classified and defined as an "Air Freight Forwarder" in Part 296 of this chapter (Economic Regulations) or as an "International Air Freight Forwarder" in Part 297 of this chapter (Economic Regulations).

(b) "Cooperative Shippers Association" means any air carrier classified and defined as such in Part 296 or Part 297 of this chapter (Economic Regulations).

§ 244.2 Financial and operating reports by air freight forwarders and international air freight forwarders.

All persons holding authority as an air freight forwarder or international air freight forwarder shall periodically prepare and file certain financial and operating reports, as hereinafter specified, whether or not such persons are actively engaged in air freight forwarding operations.

(a) Each freight forwarder shall prepare CAB Form 244¹ entitled "Financial and Operating Report for Air Freight Forwarders and International Air Freight Forwarders," in accordance with the requirements of this part and the instructions set forth in such form. Schedule B Balance Sheet shall be prepared as of June 30 and December 31 of each year and shall first be prepared as of June 30, 1959. Schedules G-1 General Officers and Directors; List of Stockholders, and G-2 Corporate and Securities Data; Investments in Other Companies, shall first be prepared for the year ended December 31, 1959, and for each successive year ending December 31, thereafter.

(b) (1) Each freight forwarder shall also prepare as an attachment to and as a part of its report on CAB Form 244:

(i) A report of profit and loss (with a separation of expense items so as to indicate payments to direct air carriers) to be marked for identity by the reporting freight forwarder as Schedule P Statement of Profit and Loss;

(ii) A report of statistical data to be marked by the reporting forwarder as Schedule T-1 Statistical Data, setting

¹ Filed as part of original document, copies of which may be obtained from the Publications Section, Civil Aeronautics Board, Washington 25, D.C.

forth (a) the number of shipments received from shippers for carriage by air, (b) the number of consignments to carriers by air, and (c) the number of tons consigned for shipment by: Certificated air carriers, supplemental air carriers or irregular transport carriers, and surface carriers (rail, motor other than pick-up and delivery, or water); and

(iii) A report of station data, to be marked by the reporting freight forwarder as Schedule T-2 Station Data (listing by individual stations the total number of tons received from shippers for carriage by air).

(2) The reports designated in this paragraph shall be prepared for each semi-annual period ending June 30 and December 31.

(c) Each schedule specified in paragraphs (a) and (b) of this section shall be filed so as to be received by the Board within 45 days after its applicable terminal date.

§ 244.3 Insurance reports by air freight forwarders and international air freight forwarders.

Each air freight forwarder and international air freight forwarder shall keep the Board currently informed as herein-after set forth regarding the insurance, self-insurance or surety bond maintained by it pursuant to Part 296 or Part 297 of this chapter (Economic Regulations).

(a) Within 45 days after June 30, and December 31, of each year, every forwarder shall complete and file Schedule I Insurance Report, of CAB Form 244 whenever, on such specified dates, the forwarder's insurance, self-insurance or surety bond remains unchanged from that last reported. Schedule I shall be completed pursuant to the appropriate instructions contained therein and shall first be due in accordance with the provisions of this paragraph within 45 days after June 30, 1959.

(b) Within 30 days of any change in or from the insurance, self-insurance, or surety bond previously reported to the Board, or within 30 days of the effective date of this part, whichever time is later, the forwarder shall report such change in the following manner. In the case of a change regarding insurance which is evidenced by a certificate on file with the Board pursuant to an express requirement in Part 296 or Part 297 of this chapter, or regarding a bond evidenced by a copy thereof likewise on file, another such certificate or copy of a bond incorporating such change shall be filed with the Board. In any other case involving a change in a forwarder's insurance, self-insurance or surety bond, such change shall be reported on Schedule I Insurance Report of CAB Form 244 in accordance with the instructions set forth therein.

§ 244.4 Financial and operating reports by cooperative shippers associations.

For the annual period terminating on December 31, 1959 and thereafter for each consecutive annual period, each cooperative shippers association shall file CAB Form 244A¹ entitled "Financial and

Operating Report for Cooperative Shippers Associations" in accordance with the requirements of this section and the instructions set forth in said form. All cooperative shippers associations shall file such reports irrespective of, whether they are inactive during the report period and where items are not applicable, the word "none" should be inserted. Such reports shall be filed so as to be received by the Board within 45 days after the termination of each prescribed reporting period.

NOTE: The reporting requirements contained herein have been approved by the Bureau of the Budget in accordance with the Federal Reports Act of 1942.

By the Civil Aeronautics Board.

[SEAL]

MABEL McCART,
Acting Secretary.

[F.R. Doc. 59-1663; Filed, Feb. 25, 1959;
8:51 a.m.]

Title 32—NATIONAL DEFENSE

Chapter I—Office of the Secretary of Defense

PART 141a—SOLICITATION OF COMMERCIAL LIFE INSURANCE ON MILITARY INSTALLATIONS IN OVERSEA AREAS

Miscellaneous Amendments

1. Section 141a.2, *Applications*, has been revised to change the date of submission of applications, and to include Formats A (Selected Financial Information); B (Lapse Ratio and Military Business Statement); and C (Operations Statement) to be used in submitting technical information and may be obtained upon request by companies requesting accreditation for the first time; companies currently accredited will be supplied Formats A, B, and C without making a request. The specific paragraphs involved in the above changes are as follows: § 141a.2(a); (4); (6) which has been revised and made a part of (10); (7) has been renumbered to (6) and revised to be more specific; (8) and (9) have been renumbered to (7) and (8) respectively, without change; (10) has been renumbered to (9) and revised to incorporate the revised (6); and (11) has been renumbered to (10). Section 141a.2, as revised, now reads as follows:

§ 141a.2 Applications.

(a) Applications will be submitted to the Department of Defense during April of each year. They will not be accepted or considered at any other time. Applications will be in letter form and appropriately documented. They must be signed by the President or Vice President of the company and attested to. Formats A¹ (Selected Financial Information); B¹ (Lapse Ratio and Military Business Statement); and C¹ (Operations Statement) to be used in submitting technical information may be obtained upon request by companies requesting accreditation for the first time. Companies currently accredited will be

supplied Formats A, B, and C without making a request. (The information required on the formats has been approved in accordance with the Federal Reports Act by the Bureau of the Budget under approval number 22-R188.) The application must furnish the following information:

(1) Foreign countries and commands (e.g.: Army, Europe; Air Force, Europe; Navy, Far East; Air Force, Northeast; etc.) where it is desired to solicit on military bases or installations.

(2) Plans for control of and supervision to be exercised by the company over its agents.

(3) List of States and jurisdictions in which the company is licensed and dates of such licensing.

(4) Use Format A, cited above, to submit information from each of the last five annual statements to include:

(i) Admitted assets.

(ii) Net reserve.

(iii) Combined paid up capital and surplus, or surplus.

(iv) Insurance in force, reported by classes.

(5) A statement that the company has complied with or will comply with the applicable laws of the country or countries wherein it proposes to solicit (by "laws of the country" is meant all national, provincial, city or country laws or ordinances of any country, as applicable), and upon being authorized to do business in such country or countries, a statement to that effect.

(6) An authenticated copy of the current annual statement, notarized and sworn to by authorized company officials in the space provided at the bottom of page 1 of the annual statement, as filed with the insurance department of the state of domicile.

(7) An authenticated copy of a current convention or "association type" report of examination if the company is licensed by more than one state, otherwise, a current report of one insurance department.

(8) A sworn statement covering the following items:

(i) That the policies to be offered adhere to the standards prescribed by § 141.4 of this subchapter (Paragraph IV B, DOD Instruction 1344.1).

(ii) The amount of unassigned surplus and paid up capital or only surplus if a non-stock company. In computing the amount of unassigned surplus, include as liabilities all debts due or to become due, contingent or otherwise, as provided in the Life Insurance Act of the District of Columbia Act of June 19, 1934; C 672, 48 Stat. 1125, as amended, and a statement that the amount of unassigned surplus and paid up capital has been computed by the method prescribed in the aforesaid act.

(iii) That the policies to be offered for sale (a) do not contain other than standard provisions such as those prescribed by the Life Insurance Act of the District of Columbia (cited in subdivision (ii) of this subparagraph), and (b) do not provide for a variation in the amount of death benefit depending upon the length of time the policy has been in force.

¹ Filed as part of the original document, copies of which may be obtained from the Publications Section, Civil Aeronautics Board, Washington 25, D.C.

¹ Filed as part of original document.

(iv) That none of its officers, directors, or principal stockholders, or any members of his immediate family, receives or has any contract to receive commissions, directly or indirectly, from military business currently transacted by the company, or if the company cannot so attest, a disclosure and justification for such contracts.

(v) That the company has not made any loan (except policy loans) to any director, officer, or principal stockholder, or any member of his immediate family within the last year, and there is not currently outstanding any loan to such person made prior to that period.

(vi) That the company will be responsible for the acts of its agents actually connected with the sale of insurance to military personnel.

(9) Use Format B, cited above, to report the rate of lapse of policies sold to military personnel (including only life insurance, but excluding group life insurance) for each of the last five years and an explanation of the methods or formulae used in computing the ratio of military business to total business (including only life insurance, but excluding group life insurance) annually for the last five years computed on the basis of the following:

(i) Number of policyholders.

(ii) Insurance in force.

(iii) Premium income.

(10) Name, age, legal residence, citizenship and present address of each agent who will solicit overseas, the state or states in which such agents are licensed; the date of licensing, expiration dates, and the area in which each agent will solicit.

(b) Any explanatory remarks that will assist the Department of Defense in evaluating applications are invited.

(c) Applications and any correspondence relating thereto should be addressed to:

Chairman, Life Insurance Board, Department of Defense, The Pentagon, Washington 25, D.C.

2. Section 141a.3, *Department of Defense Life Insurance Board*, is revised to delete the word "hereby" in the first sentence of (a), and to delete the words "shall be" in (b) and substitute the word "is". Section 141a.3 as revised, now reads:

§ 141a.3 Department of Defense Life Insurance Board.

(a) The Department of Defense Life Insurance Board is established to act as principal advisor to the Secretary of Defense on all matters pertaining to the sale of commercial life insurance to servicemen.

(b) Duties and functions: In addition it is the duty and function of the Board to:

(1) Recommend final action on applications received from insurance companies to solicit commercial life insurance on overseas bases and installations under U.S. jurisdiction.

(2) Maintain a current list of agents representing life insurance companies authorized to solicit on military installations overseas.

(3) Receive and review reports of violations of regulations governing solicitation on bases and installations.

(4) Recommend final penalty action against companies for cause to include the withdrawal of soliciting privileges.

(5) Perform such other related functions as may be directed.

3. In § 141a.4, *Minimum requirements for companies*, paragraph (a) is amended as follows:

a. Add a final sentence to subparagraph (1).

b. Subparagraph (3) (iii) is revised to read as set forth below.

§ 141a.4 Minimum requirements for companies.

(a) The Department of Defense will require, among other things, that the following minimum standards be met by companies authorized to solicit on overseas bases and installations.

(1) The company must have demonstrated continuous successful operation in the life insurance business within the continental limits of the United States or a territory or possession for a period of five years, immediately preceding the date of application (for this purpose, use Format C, cited above) except that a company or a division of an existing company organized to write life insurance and affiliated or connected with a company already writing other lines of insurance may be granted a waiver of the otherwise mandatory five-year requirement, if the company to which it is connected has been in business twenty years and has a record of financial stability and sound management.

(3) The company must be licensed to do business by any twelve (or more) of the states, a territory, or the District of Columbia; or must comply with the following:

(iii) Have unassigned surplus and paid up capital (or surplus, if a non-stock company) at least equal to the amounts currently required by the state of domicile or the District of Columbia, whichever is larger.

(Sec. 202, 61 Stat. 500, as amended; 5 U.S.C. 171a)

CHARLES C. FINUCANE,
Assistant Secretary of Defense,
(Manpower, Personnel and Reserve).

[F.R. Doc. 59-1627; Filed, Feb. 25, 1959; 8:46 a.m.]

Chapter VII—Department of the Air Force

SUBCHAPTER F—RESERVE FORCES

PART 864—ENLISTED RESERVE

Identification Cards

In Part 864, § 864.15 *Identification cards* (16 F.R. 3032, April 7, 1951) is deleted.

[SEAL] CHARLES M. McDERMOTT,
Colonel, USAF, Deputy Director,
of Administrative Services.

[F.R. Doc. 59-1626; Filed, Feb. 25, 1959; 8:45 a.m.]

Title 16—COMMERCIAL PRACTICES

Chapter I—Federal Trade Commission

[Docket 7257]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Litchfield Woolen Mills Co. and Plymouth T. Nelson

Subpart—*Invoicing products falsely*: § 13.1108 *Invoicing products falsely*: Wool Products Labeling Act. Subpart—*Misbranding or mislabeling*: § 13.1190 *Composition*: Wool Products Labeling Act.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended, secs. 2-5, 54 Stat. 1128-1130; 15 U.S.C. 45, 68-68(c)). [Cease and desist order, Litchfield Woolen Mills Co., et al., Litchfield, Minn., D. 7257, January 20, 1959]

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a manufacturer in Litchfield, Minn., with violating the Wool Products Labeling Act by labeling and invoicing as "90% wool, 10% reprocessed wool" and "30% wool, 70% reused wool", blankets which contained substantially less wool than thus represented and substantial quantities of fibers other than wool.

After acceptance of an agreement providing for a consent order, the hearing examiner made his initial decision and order to cease and desist which became on January 20 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents Litchfield Woolen Mills Company, a corporation, and its officers, and Plymouth T. Nelson, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the introduction or manufacture for introduction into commerce, or the offering for sale, sale, transportation, or distribution in commerce, as "commerce" is defined in the Federal Trade Commission Act, and the Wool Products Labeling Act of 1939, of woolen blankets or other "wool products" as such products are defined in, and subject to, said Wool Products Labeling Act, do forthwith cease and desist from:

A. Misbranding such products by:

1. Falsely or deceptively tagging, labeling or otherwise identifying such products as to the character or amount of the constituent fibers contained therein;

2. Failing to securely affix to, or place on, each such product a stamp, tag or label or other means of identification showing in a clear and conspicuous manner:

(a) The percentage of the total fiber weight of such wool product exclusive of ornamentation not exceeding five per centum of said total fiber weight, of (1) wool, (2) reprocessed wool, (3) reused

wool, (4) each fiber other than wool where said percentage by weight of such fiber is five per centum or more, and (5) the aggregate of all other fibers.

(b) The maximum percentage of the total weight of such wool product of any nonfibrous loading, filling or adulterating matter.

(c) The name or the registered identification number of the manufacturer of such wool product or one or more persons engaged in introducing such wool product into commerce, or in the offering for sale, sale, transportation, distribution or delivery for shipment thereof in commerce, as "commerce" is defined in the Wool Products Labeling Act of 1939.

It is further ordered, That Litchfield Woolen Mills Company, a corporation, and its officers, and Plymouth T. Nelson, individually and as an officer of said corporation, and respondents' representatives, agents and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of woolen blankets or any other products in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Misrepresenting the character or amount of the constituent fibers contained in such products on invoices or shipping memoranda applicable thereto or in any other manner.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That respondents herein shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 20, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-1634; Filed, Feb. 25, 1959;
8:47 a.m.]

[Docket 7076]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

World Wide Watch Co., Inc., et al.

Subpart—*Advertising falsely or misleadingly*: § 13.70 *Fictitious or misleading guarantees*; § 13.130 *Manufacture or preparation*; § 13.175 *Quality of product or service*. Subpart—*Furnishing means and instrumentalities of misrepresentation or deception*: § 13.1056 *Preticketing merchandise misleadingly*. Subpart—*Misbranding or mislabeling*: § 13.1290 *Qualities or properties*; § 13.1295 *Quality or grade*. Subpart—*Misrepresenting oneself and goods*—Prices: § 13.1811 *Fictitious preticketing*.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interpret or apply sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, World Wide Watch Co., Inc., et al., New York, N.Y., Docket 7076, January 21, 1959]

In the Matter of World Wide Watch Co., Inc., a Corporation, and Jack Bloom, Nettie Bloom, Bernard Bloom, and Harriet Bloom, Individually and as Officers of Said Corporation

This proceeding was heard by a hearing examiner on the complaint of the Commission charging distributors in New York City with misrepresenting their "Harvester" brand watches by imprinting on dials and cases the words "jeweled", "17 jewels", "water resistant", and "waterproof", and using the same terms, as well as the words "Fully guaranteed", on circulars, display cards, posters, and tags distributed to jobbers and dealers for use in resale of the watches; and with attaching to the watches, or furnishing to dealers for use in resale, tags bearing fictitious and excessive prices represented thereby as the usual selling prices.

After acceptance of an agreement providing for entry of a consent order, the hearing examiner made his initial decision and order to cease and desist which became on January 21 the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That respondents World Wide Watch Co., Inc., a corporation, and its officers; Bernard Bloom and Harriet Bloom, individually and as officers of said corporation, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale, or distribution of watches, or other products, in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from:

1. Representing, directly or indirectly:

(a) That a watch is a jeweled watch, or that it contains a jeweled movement, unless it contains at least seven jewels, including a jeweled lever and unless each of said jewels serves a mechanical purpose as a frictional bearing;

(b) That a watch contains seven or more jewels unless it contains a jeweled lever and unless each of the claimed number of jewels serves a mechanical purpose as a frictional bearing;

(c) That their watches are either waterproof or water resistant;

(d) That their watches are guaranteed or fully guaranteed unless all of the conditions of the guarantee are fully and clearly set out and if a service charge is imposed, the amount of such charge.

2. Attaching tickets to merchandise showing prices which are in excess of the prices at which such merchandise is usually and regularly sold at retail or misrepresenting in any manner the usual and regular retail prices of merchandise.

3. Furnishing tickets or other materials to dealers, or others, which may be attached to or exhibited in connection with merchandise sold to them by respondents, which show prices that are in excess of the prices at which such merchandise is usually and regularly sold at retail; or furnishing any other means or instrumentality by which dealers may misrepresent the usual and regular retail price of merchandise.

It is further ordered, That the complaint be, and the same hereby is dismissed as to the respondents Jack Bloom and Nettie Bloom and as to the charges set out in Paragraph Five, 5, thereof.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is ordered, That the respondents World Wide Watch Co., Inc., a corporation, and Bernard Bloom and Harriet Bloom, individually and as officers of said corporation shall, within sixty (60) days after service upon them of this order, file with the Commission a report in writing setting forth in detail the manner and form in which they have complied with the order to cease and desist.

Issued: January 21, 1959.

By the Commission.

[SEAL] ROBERT M. PARRISH,
Secretary.

[F.R. Doc. 59-1635; Filed, Feb. 25, 1959;
8:47 a.m.]

[Docket 6628]

PART 13—DIGEST OF CEASE AND DESIST ORDERS

Charlton Press, Inc., et al.

Subpart—*Neglecting, unfairly or deceptively, to make material disclosure*: § 13.1880 *Old, used, reclaimed, or reused as unused or new*: Book titles.

(Sec. 6, 38 Stat. 721; 15 U.S.C. 46. Interprets or applies sec. 5, 38 Stat. 719, as amended; 15 U.S.C. 45) [Cease and desist order, Charlton Press, Inc., et al., Derby, Conn., Docket 6628, January 30, 1959]

In the Matter of Charlton Press, Inc., a Corporation, Capital Distributing Company, a Corporation, and John Santangelo and Edward Levy, Individually and as Officers of Said Corporations; Burton N. Levy, Individually and as an Officer of Charlton Press, Inc., and Allan Adams, Individually and as an Officer of Capital Distributing Company

This proceeding was heard by a hearing examiner on the complaint of the Commission charging a publisher and a distributor in Derby, Conn., with selling comic books consisting largely of material previously published by others without adequate disclosure of the fact of such previous publication.

After hearings in due course, the hearing examiner made his initial decision including findings, conclusion, and order to cease and desist, from which respondents appealed. The Commission having considered the matter, denied respondents' appeal and on January 30 adopted the initial decision as the decision of the Commission.

The order to cease and desist is as follows:

It is ordered, That the respondents, Charlton Press, Inc., a corporation, and Capital Distributing Company, a corporation, and their officers, and John Santangelo and Edward Levy, individually and as officers of said corporations,

and Burton N. Levy, individually and as an officer of Charlton Press, Inc., and Allan Adams, individually and as an officer of Capital Distributing Company, and respondents' agents, representatives and employees, directly or through any corporate or other device, in connection with the offering for sale, sale or distribution of comic books or magazines or other publications in commerce, as "commerce" is defined in the Federal Trade Commission Act, do forthwith cease and desist from: Offering for sale, selling or distributing any book or magazine consisting in whole or in substantial part of material previously published by others, without clearly and conspicuously disclosing on the front cover of such book or magazine the fact of such previous publication.

By "Decision of the Commission", etc., report of compliance was required as follows:

It is further ordered, That the respondents, Charlton Press, Inc., and Capital Distributing Company, corporations, John Santangelo and Edward Levy, individually and as officers of said corporations, Burton N. Levy, individually and as an officer of Charlton Press, Inc., and Allan Adams, individually and as an officer of Capital Distributing Company, shall, within sixty (60) days after service upon them of this order, file with the Commission a report, in writing, setting forth in detail the manner and form in which they have complied with the order to cease and desist contained in the aforesaid initial decision.

Issued: January 30, 1959.
By the Commission.
[SEAL] ROBERT M. PARRISH,
Secretary.
[F.R. Doc. 59-1636; Filed, Feb. 25, 1959;
8:47 a.m.]

Title 26—INTERNAL REVENUE,
1954

Chapter I—Internal Revenue Service,
Department of the Treasury

SUBCHAPTER E—ALCOHOL, TOBACCO, AND
OTHER EXCISE TAXES
[T.D. 6367]

PART 170—MISCELLANEOUS REGU-
LATIONS RELATING TO LIQUOR

Losses of Beer and Alcoholic Liquors
Caused by Floods, Hurricanes, and
Disaster

Losses of (1) beer caused by floods of 1951 and hurricanes of 1954 and (2) alcoholic liquors caused by a disaster occurring after December 31, 1954, and before September 3, 1958.

It has been found that it is not possible, in some instances, for claimants to comply with the provisions of regulations in subparts F and I of the Miscellaneous Regulations Relating to Liquor (26 CFR Part 170) which require persons replacing, making reimbursement, or giving

credit for liquors lost and the recipients of such replacements, reimbursements, or credits to join in the claims. Accordingly, it has been deemed desirable to amend the regulations to liberalize the requirement in this respect so that an otherwise allowable claim may be considered for allowance. To accomplish this purpose, 26 CFR Part 170 is hereby amended as follows:

§ 170.105 [Amendment]

PARAGRAPH 1. Section 170.105 in Subpart F is amended by striking the period at the end of the second sentence which begins "In any instance", and inserting in lieu thereof the following: "Provided, That the assistant regional commissioner may allow a claim otherwise meeting the requirements of this subpart even though the person (or persons) receiving such replacement or credit does not join in the claim if the failure to join in the claim is the result of (a) such person's death, (b) inability to locate such person, or (c) such person's refusal to join in the claim."

PAR. 2. A new section, reading as follows, is inserted immediately following § 170.108 in Subpart F:

§ 170.108a Evidence of replacement.

Where, as provided in § 170.105, a possessor alleged to have received replacement does not join in the claim, the claimant must establish by documentary evidence (such as receipts or receipted copies of invoices) the replacement to the possessor as required by § 170.110.

§ 170.156 [Amendment]

PAR. 3. The paragraph with headnote "Claimant" in § 170.156 in Subpart I is amended to read as follows:

Claimant. The person to who payment may be made, as provided in § 170.158.

§ 170.159 [Amendment]

PAR. 4. Section 170.159 in Subpart I is amended by inserting immediately preceding the last sentence, an additional sentence reading as follows: "In any instance where the beer was replaced or where reimbursement for the cost of the beer was made, the person replacing or making reimbursement therefor and the recipient thereof shall join in the claim: Provided, That the assistant regional commissioner may allow a claim otherwise meeting the requirements of this subpart even though the person (or persons) receiving such replacement or reimbursement does not join in the claim if the failure to join in the claim is the result of (a) such person's death, (b) inability to locate such person, or (c) such person's refusal to join in the claim."

PAR. 5. A new section, reading as follows, is inserted immediately following § 170.161 in Subpart I:

§ 170.161a Evidence of replacement or reimbursement.

Where, as provided in § 170.159, a possessor alleged to have received replacement or reimbursement does not join in the claim, the claimant must establish by documentary evidence (such as receipts

or receipted copies of invoices) the replacement or reimbursement to the possessor as required by § 170.161(e) (1).

Because the time for filing claims under Subparts F and I of 26 CFR Part 170 expires on March 2, 1959, and March 3, 1959, respectively, and because of the liberalizing nature of these amendments, it is found that it is impracticable and contrary to the public interest to issue this Treasury decision with notice and public procedure thereon under section 4(a) of the Administrative Procedure Act (60 Stat. 238; 5 U.S.C. 1003), or subject to the effective date limitation of section 4(c) of such Act. Accordingly, this Treasury decision shall be effective on September 3, 1958.

(68A Stat. 917; 26 U.S.C. 7805, secs. 207, 208 of Pub. Law 85-859)

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.
LAWTON M. KING,
Acting Commissioner of Customs.

Approved: February 20, 1959.

FRED C. SCRIBNER, Jr.,
Acting Secretary of the Treasury.

[F.R. Doc. 59-1661; Filed, Feb. 25, 1959;
8:51 a.m.]

Title 43—PUBLIC LANDS:
INTERIOR

Chapter I—Bureau of Land Manage-
ment, Department of the Interior

APPENDIX—PUBLIC LAND ORDERS
[Public Land Order 1795]
[Arizona 017964]

ARIZONA

Withdrawing Public Lands for Use of
the Department of the Army in Con-
nection With the Whitlow Ranch
Reservoir. Partly Revoking Recla-
mation Withdrawal of February 8,
1923 (Queen Creek Reservoir Site)

By virtue of the authority vested in the President and pursuant to Executive Order No. 10355 of May 26, 1952, and to section 3 of the act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in Arizona are hereby withdrawn from all forms of appropriation under the public land laws, including the mining and mineral leasing laws but not the disposal of materials under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604) as amended, and reserved for use of the Department of the Army for flood control purposes in connection with the construction, operation, and maintenance of the Whitlow Ranch Reservoir on Queen Creek as authorized by the act of July 24, 1946 (60 Stat. 641):

GILA AND SALT RIVER MERIDIAN

T. 1 S., R. 10 E.,
Sec. 25, SE¼SE¼;
Sec. 36, lots 1 and 2, E½NE¼, and N½SE¼.

The areas described aggregate 280.64 acres.

2. The departmental order of February 8, 1923, so far as it reserved the lands in the first form for reclamation purposes in connection with the Queen Creek Reservoir Site, is hereby revoked.

3. This order shall be subject to existing withdrawals for power purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

FEBRUARY 19, 1959.

[F.R. Doc. 59-1639; Filed, Feb. 25, 1959; 8:48 a.m.]

[Public Land Order 1796]

[Nevada 044346]

NEVADA

Reserving Lands Within the Humboldt National Forest for Use of the Forest Service as Administrative Sites and Recreation Areas

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands within the Humboldt National Forest, Nevada, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, as administrative sites and recreation areas as indicated:

MT. DIABLO MERIDIAN

Jack Creek Administrative Site

T. 42 N., R. 53 E.,
Sec. 19, SW $\frac{1}{4}$ lot 7, lot 8, lot 11, NW $\frac{1}{4}$ lot 12;
Sec. 30, NW $\frac{1}{4}$ lot 2.
Totaling 110 acres.

Sand Creek Administrative Site

T. 46 N., R. 55 E.,
Sec. 9, NW $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$.
Totaling 80 acres.

Salmon Creek Administrative Site

T. 47 N., R. 56 E., unsurveyed;
Sec. 14, E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
Totaling 60 acres.

Gold Creek Administrative Site

T. 45 N., R. 56 E.,
Sec. 29, S $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 32, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$,
E $\frac{1}{2}$ SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$,
S $\frac{1}{2}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$
NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$, N $\frac{1}{2}$ NW $\frac{1}{4}$
NE $\frac{1}{4}$ SE $\frac{1}{4}$, SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$, SE $\frac{1}{4}$
NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$ NE $\frac{1}{4}$.
Totaling 22.5 acres.

Mountain City R.S. Administrative Site

T. 45 N., R. 53 E.,
Sec. 13, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$, unpatented portion;
Sec. 24, NE $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$.

T. 45 N., R. 54 E., unsurveyed;
Sec. 18, SW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ SE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$,
SW $\frac{1}{4}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, W $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$;
Sec. 19, NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$
SW $\frac{1}{4}$ NW $\frac{1}{4}$, unpatented portions of NE $\frac{1}{4}$
NW $\frac{1}{4}$ and NW $\frac{1}{4}$ NW $\frac{1}{4}$ SW $\frac{1}{4}$.
Totaling 750 acres.

"76" Creek Administrative Site

T. 44 N., R. 58 E.,
Sec. 6, E $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$.
Totaling 60 acres.

Klondyke Administrative Site

T. 47 N., R. 57 E.,
Sec. 22, N $\frac{1}{2}$ SW $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ S $\frac{1}{2}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$.
Totaling 220 acres.

Mahoney Ranger Station Administrative Site

T. 46 N., R. 58 E.,
Sec. 4, SW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 5, SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 8, NE $\frac{1}{4}$, SE $\frac{1}{4}$;
Sec. 9, W $\frac{1}{2}$ W $\frac{1}{2}$, S $\frac{1}{2}$ S $\frac{1}{2}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, E $\frac{1}{2}$ NW $\frac{1}{4}$.
Totaling 770 acres.

Green Mountain Administrative Site

T. 28 N., R. 57 E., unsurveyed;
Sec. 2, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
Totaling 40 acres.

Terrace Administrative Site

T. 32 N., R. 59 E.,
Sec. 19, E $\frac{1}{2}$ lot 14, W $\frac{1}{2}$ lot 15;
Sec. 30, W $\frac{1}{2}$ lot 1, E $\frac{1}{2}$ lot 2, lots 6 and 7.
Totaling 160 acres.

Lamoille Canyon Administrative Site

T. 32 N., R. 58 E.,
Sec. 16, NE $\frac{1}{4}$.
Totaling 160 acres.

Ackler Creek Administrative Site

T. 36 N., R. 60 E.,
Sec. 14, NE $\frac{1}{4}$ NE $\frac{1}{4}$ SE $\frac{1}{4}$.
Totaling 10 acres.

Martin Creek Administrative Site

T. 44 N., R. 39 E.,
Sec. 13, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 24, NE $\frac{1}{4}$ NW $\frac{1}{4}$, NW $\frac{1}{4}$ NW $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$
NW $\frac{1}{4}$.
Totaling 120 acres.

Pole Creek Guard Station Administrative Site

T. 46 N., R. 59 E.,
Sec. 13, SE $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, S $\frac{1}{2}$ NE $\frac{1}{4}$
NE $\frac{1}{4}$, N $\frac{1}{2}$ N $\frac{1}{2}$ SE $\frac{1}{4}$.
T. 46 N., R. 60 E.,
Sec. 18, lots 1 and 2.
Totaling 202.41 acres.

Mary's River Pasture Administrative Site

T. 44 N., R. 58 E.,
Sec. 23, W $\frac{1}{2}$ SW $\frac{1}{4}$ NE $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$,
NE $\frac{1}{4}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Totaling 120 acres.

Camp Creek Pasture Administrative Site

T. 45 N., R. 59 E.,
Sec. 2, lot 2.
Totaling 34.56 acres.

South Fork Administrative Site

T. 31 N., R. 57 E.,
Sec. 27, NE $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NW $\frac{1}{4}$ SE $\frac{1}{4}$.
Totaling 60 acres.

Ruby Administrative Site

T. 33 N., R. 60 E.,
Sec. 20, lots 1 and 4.
Totaling 78.85 acres.

Groundhog Administrative Site

T. 46 N., R. 40 E.,
Sec. 25, SW $\frac{1}{4}$ SE $\frac{1}{4}$,
Sec. 36, NW $\frac{1}{4}$ NE $\frac{1}{4}$.
Totaling 80 acres.

Public Service Site No. 1

T. 44 N., R. 52 E.,
Sec. 21, NW $\frac{1}{4}$, NW $\frac{1}{4}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$,
W $\frac{1}{2}$ E $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$, SW $\frac{1}{4}$ NE $\frac{1}{4}$ except
that portion of SW $\frac{1}{4}$ NE $\frac{1}{4}$ containing
Entry 541, Mineral Survey 59.
Totaling 270 acres.

Wildhorse Crossing Forest Camp Recreation Area

T. 44 N., R. 54 E., unsurveyed;
Sec. 9, SW $\frac{1}{4}$ NE $\frac{1}{4}$, NW $\frac{1}{4}$ SE $\frac{1}{4}$.
Totaling 80 acres.

Telephone Creek Campground Recreation Area

T. 46 N., R. 55 E.,
Sec. 34, N $\frac{1}{2}$ SW $\frac{1}{4}$.
Totaling 80 acres.

Jarbridge Campground (No. 1) Recreation Area

T. 46 N., R. 58 E.,
Sec. 21, E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$.
Totaling 80 acres.

Jarbridge Campground (No. 2) Recreation Area

T. 46 N., R. 58 E.,
Sec. 28, E $\frac{1}{2}$ W $\frac{1}{2}$ SW $\frac{1}{4}$, W $\frac{1}{2}$ E $\frac{1}{2}$ SW $\frac{1}{4}$.
Totaling 80 acres.

Lamoille Canyon Recreation Area

T. 32 N., R. 58 E.,
Sec. 14, SW $\frac{1}{4}$, SW $\frac{1}{4}$ SE $\frac{1}{4}$, S $\frac{1}{2}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 23, N $\frac{1}{2}$ NE $\frac{1}{4}$.
Totaling 300 acres.

Lamoille Canyon Picnic Recreation Area

T. 32 N., R. 58 E.,
Sec. 6, lots 1 and 2.
Totaling 80 acres.

Angel Lake Recreation Area

T. 36 N., R. 61 E.,
Sec. 4, S $\frac{1}{2}$ SE $\frac{1}{4}$.
Totaling 80 acres.

The areas described aggregate 4,388.32 acres.

2. This order shall be subject to existing withdrawals for other than national forest purposes so far as they affect any of the lands described, and shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,
Assistant Secretary of the Interior.

FEBRUARY 19, 1959.

[F.R. Doc. 59-1640; Filed, Feb. 25, 1959; 8:48 a.m.]

[Public Land Order 1797]

[Wyoming 059282]

WYOMING

Withdrawing Public Lands in the Black Hills National Forest for Use of the Forest Service for Administrative Sites

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952 it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Black Hills National Forest in Wyoming are hereby withdrawn from all

forms of appropriation under the public land laws, including the mining but not the mineral-leasing laws, nor disposals under the act of July 31, 1947 (61 Stat. 681; 69 Stat. 367; 30 U.S.C. 601-604) as amended, and reserved for use of the Forest Service, Department of Agriculture, for administrative sites:

SIXTH PRINCIPAL MERIDIAN

Cement Ridge Lookout

T. 50 N., R. 60 W.,
Sec. 5, lot 12.

The area described contains approximately 40 acres.

Warren Peak Lookout

T. 52 N., R. 63 W.,
Sec. 20, lot 3.

The area described contains 28.82 acres.

This order shall take precedence over but not otherwise affect the existing reservation of the lands for national forest purposes.

ROGER ERNST,

Assistant Secretary of the Interior.

FEBRUARY 19, 1959.

[F.R. Doc. 59-1641; Filed, Feb. 25, 1959;
8:48 a.m.]

[Public Land Order 1798]

[BLM 036169]

SOUTH DAKOTA

Adding Lands to the Black Hills National Forest

By virtue of the authority vested in the President by section 24 of the act of March 3, 1891 (26 Stat. 1103; 16 U.S.C. 471), and the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, and upon recommendation of the Secretary of Agriculture it is ordered as follows:

1. Subject to valid existing rights, the following-described public lands in South Dakota are hereby added to and reserved as a part of the Black Hills National Forest, and the boundaries of the said national forest are adjusted accordingly:

BLACK HILLS MERIDIAN

T. 3 S., R. 1 E.,
Sec. 20, N $\frac{1}{2}$ NW $\frac{1}{4}$, SE $\frac{1}{4}$ SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 21, S $\frac{1}{2}$ S $\frac{1}{2}$;
Sec. 28, SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 29, N $\frac{1}{2}$ NE $\frac{1}{4}$.
Totaling 370 acres.

T. 5 S., R. 1 E.,
Sec. 22, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 27, SW $\frac{1}{4}$ NW $\frac{1}{4}$.
Totaling 120 acres.

T. 6 S., R. 1 E.,
Sec. 8, lot 2;
Sec. 21, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 28, W $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Totaling 199.98 acres.

T. 6 S., R. 2 E.,
Sec. 1, N $\frac{1}{2}$ NE $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$.
Totaling 120 acres.

T. 6 S., R. 3 E.,
Sec. 6, lots 3 and 4.
Totaling 68.34 acres.

T. 7 S., R. 2 E.,
Sec. 18, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 34, NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$.
Totaling 240 acres.

T. 8 S., R. 3 E.,
Sec. 21, S $\frac{1}{2}$ NE $\frac{1}{4}$;
Sec. 22, SW $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$.
Totaling 200 acres.
T. 6 N., R. 1 E.,
Sec. 17, W $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 18, E $\frac{1}{2}$ SE $\frac{1}{4}$.
Totaling 160 acres.
T. 2 S., R. 7 E.,
Sec. 19, W $\frac{1}{2}$ NE $\frac{1}{4}$ SW $\frac{1}{4}$.
Totaling 20 acres.

The areas described aggregate 1,498.32 acres.

2. The Executive order of April 8, 1919, creating Public Water Reserve No. 62, and the Departmental order of June 28, 1918, creating Stock Driveway Withdrawal No. 25, are hereby revoked so far as they affect the lands described in paragraph 1 of this order.

ROGER ERNST,

Assistant Secretary of the Interior.

FEBRUARY 19, 1959.

[F.R. Doc. 59-1642; Filed, Feb. 25, 1959;
8:48 a.m.]

[Public Land Order 1799]

[2092920]

MONTANA

Partially Revoking the Departmental Order of March 15, 1946

By virtue of the authority vested in the Secretary of the Interior by section 3 of the Act of June 17, 1902 (32 Stat. 388; 43 U.S.C. 416), it is ordered as follows:

1. The departmental order of March 15, 1946, which withdrew lands for reclamation purposes in connection with the Tiber Reservoir, Lower Marias Unit, Marias Division, Missouri Basin Project, Montana, is hereby revoked so far as it affects the following-described lands:

PRINCIPAL MERIDIAN, MONTANA

T. 30 N., R. 1 E.,
Sec. 9, W $\frac{1}{2}$ NW $\frac{1}{4}$;
Sec. 10, NE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 14, SE $\frac{1}{4}$ SE $\frac{1}{4}$.
T. 30 N., R. 2 E.,
Sec. 24, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 30, S $\frac{1}{2}$ NE $\frac{1}{4}$, SE $\frac{1}{4}$ NW $\frac{1}{4}$, E $\frac{1}{2}$ SW $\frac{1}{4}$, and SE $\frac{1}{4}$.

T. 30 N., R. 3 E.,
Sec. 11, N $\frac{1}{2}$ SW $\frac{1}{4}$, SE $\frac{1}{4}$ SW $\frac{1}{4}$, and S $\frac{1}{2}$ SE $\frac{1}{4}$;
Sec. 12, NE $\frac{1}{4}$ SW $\frac{1}{4}$, N $\frac{1}{2}$ SE $\frac{1}{4}$, and SE $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 17, lot 3 and N $\frac{1}{2}$ SW $\frac{1}{4}$;
Sec. 19, lot 13 and SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 20, SW $\frac{1}{4}$ SE $\frac{1}{4}$;
Sec. 26, NE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 30 N., R. 4 E.,
Sec. 11, NE $\frac{1}{4}$ NE $\frac{1}{4}$;
Sec. 19, lot 11.

T. 31 N., R. 4 E.,
Sec. 35, SE $\frac{1}{4}$ SW $\frac{1}{4}$.

T. 30 N., R. 5 E.,
Sec. 20, NW $\frac{1}{4}$ SE $\frac{1}{4}$.

The areas described, including both public and nonpublic lands, aggregate 1,302.85 acres.

2. Until further notice, the unappropriated lands shall be subject only to application for selection by the State of Montana, in accordance with and subject to the limitations and requirements of subsection (c) of section 2 of the Act

of August 27, 1958 (Pub. Law 85-771). Except as to prior existing valid settlement rights and preference rights conferred by existing law other than the Act of September 27, 1944 (58 Stat. 748; 43 U.S.C. 282), as amended, or as to equitable claims subject to allowance and confirmation, they will not be subject to application, petition, location, selection, or to any other appropriations under any other public land law, including the mining and mineral leasing laws, unless and until a further order is issued by the Bureau of Land Management.

ROGER ERNST,

Assistant Secretary of the Interior.

FEBRUARY 19, 1959.

[F.R. Doc. 59-1643; Filed, Feb. 25, 1959;
8:48 a.m.]

[Public Land Order 1800]

[Colorado 021250]

COLORADO

Withdrawing Lands Within Arapaho National Forest for Use of Forest Service as Picnic Area, Administrative Sites and Campgrounds

By virtue of the authority vested in the President by the act of June 4, 1897 (30 Stat. 34, 36; 16 U.S.C. 473) and otherwise, and pursuant to Executive Order No. 10355 of May 26, 1952, it is ordered as follows:

Subject to valid existing rights, the following-described public lands within the Arapaho National Forest, Colorado, are hereby withdrawn from all forms of appropriation under the public land laws, including the mining but not the mineral leasing laws nor disposals of materials under the act of July 31, 1947 (61 Stat. 681; 30 U.S.C. 601-604), as amended, and reserved for use of the Forest Service, Department of Agriculture, as a picnic area, administrative sites and campgrounds:

ARAPAHO NATIONAL FOREST

Frisco Administrative Site No. 1

T. 5 S., R. 78 W.,
Sec. 35, lots 16 and 17.
Totaling 46.15 acres.

Frisco Administrative Site No. 2

T. 5 S., R. 78 W.,
Sec. 26, S $\frac{1}{2}$ SE $\frac{1}{4}$.
Totaling 80 acres.

Officers Gulch Campground

T. 6 S., R. 78 W.,
Sec. 8, NW $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 17, NW $\frac{1}{4}$ NW $\frac{1}{4}$.
Totaling 80 acres.

Snake River Campground

T. 5 S., R. 76 W.,
Sec. 18, S $\frac{1}{2}$ SE $\frac{1}{4}$ SW $\frac{1}{4}$;
Sec. 19, NW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ SW $\frac{1}{4}$ NW $\frac{1}{4}$ NE $\frac{1}{4}$, N $\frac{1}{2}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$, NE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ (excepting that portion within HES #110); SE $\frac{1}{4}$ NW $\frac{1}{4}$ NW $\frac{1}{4}$ (excepting that portion within HES #110); SW $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ (excepting that portion within HES #110); SE $\frac{1}{4}$ NE $\frac{1}{4}$ NW $\frac{1}{4}$ (excepting that portion within HES #110).
Totaling 81.50 acres.

Winter Park Campground

T. 2 S., R. 75 W.,

Sec. 10, Suspended Metes and Bounds Description;

Beginning at corner No. 2, HES 117;
Thence S. 3° E., 24.53 chains to corner
No. 3, HES 117;
N. 73° E., 10.00 chains;
Northwesterly with the centerline of
Highway U.S. 40, 24.84 chains to the
point of beginning.
Totaling 12.07 acres.

Denver Creek Campground

T. 3 N., R. 78 W.,

Sec. 1, SW¼NW¼.

Totaling 40 acres.

Bakers Tank Picnic Area

T. 7 S., R. 77 W.,

Sec. 16, S½NE¼NE¼ and N½SE¼NE¼.

Totaling 40 acres.

The total area described aggregates
379.72 acres.

This order shall be subject to existing
withdrawals for power and other pur-
poses so far as they affect any of the
lands described, and shall take prece-
dence over but not otherwise affect the
existing reservation of the lands for
national forest purposes.

ROGER ERNST,

Assistant Secretary of the Interior.

FEBRUARY 19, 1959.

[F.R. Doc. 59-1644; Filed, Feb. 25, 1959;
8:48 a.m.]

Title 38—PENSIONS, BONUSES, AND VETERANS' RELIEF

Chapter I—Veterans Administration

PART 6—UNITED STATES GOVERN-
MENT LIFE INSURANCEPART 8—NATIONAL SERVICE LIFE
INSURANCE

Disabilities

1. In Part 6, § 6.122 is revised to read
as follows:

§ 6.122 Disabilities deemed to be total
and permanent.

Without prejudice to any other cause
of disability, the permanent loss of the
use of both feet, of both hands, or of both
eyes, or of one foot and one hand, or of
one foot and one eye, or of one hand and
one eye, or the loss of hearing of both
ears, or the organic loss of speech, or
becoming permanently helpless or perma-
nently bedridden shall be deemed to
be total and permanent disability under
United States Government life insurance,
and monthly installments of insurance
for any of these specifically enumerated
causes of total and permanent disability
shall accrue from the date of such total
and permanent disability, and any pre-
miums paid after the date of such total
and permanent disability shall be re-
funded without interest. Organic loss
of speech will mean the loss of the ability
to express oneself, both by voice and
whisper, through the normal organs of
speech if such loss is caused by organic
changes in such organs. Where such loss
exists, the fact that some speech can be

produced through the use of an artificial
appliance or other organs of the body
will be disregarded. (The provisions of
this section shall not be applicable to
contracts of United States Government
life insurance originally issued on and
subsequent to December 15, 1936.)

2. In Part 8, paragraph (b) of § 8.43
is amended to read as follows:

§ 8.43 Total disability.

* * * * *

(b) Without prejudice to any other
cause of disability, the permanent loss
of the use of both feet, of both hands, or
of both eyes, or of one foot and one hand,
or of one foot and one eye, or of one hand
and one eye, or the total loss of hearing
of both ears, or the organic loss of speech
shall be deemed to be total disability
under National Service life insurance.
Organic loss of speech will mean the
loss of the ability to express oneself, both
by voice and whisper, through the nor-
mal organs of speech if such loss is
caused by organic changes in such
organs. Where such loss exists, the fact
that some speech can be produced
through the use of an artificial appliance
or other organs of the body will be dis-
regarded.

(72 Stat. 1114; 38 U.S.C. 210)

This regulation is effective February
9, 1959.

[SEAL]

BRADFORD MORSE,
Deputy Administrator.[F.R. Doc. 59-1659; Filed, Feb. 25, 1959;
8:51 a.m.]

Title 47—TELECOMMUNICATION

Chapter I—Federal Communications
Commission

[FCC 59-132]

PART 1—PRACTICE AND PROCEDURE

Designation for Hearing

1. The Commission has under consid-
eration its Rules with respect to the pro-
cessing of and action upon broadcast ap-
plications, and the status of its proces-
sing line for standard broadcast applica-
tions. As applicants for new or
changed standard broadcast facilities
are well aware, they must now expect
that seven months to one year will elapse
between the time of filing their applica-
tions and action thereon, either grant
or designation for hearing. For some
time the Commission has been concerned
with this regrettable situation and has
been considering and will continue to
consider means of reducing the backlog
of standard broadcast applications.

2. The reasons for the backlog of ap-
plications on the standard broadcast
processing line are varied. However, as
the size of the backlog has increased, it
has become abundantly clear that one
factor which has greatly aggravated the
situation is the requirement of section
309(b) of the Communications Act that,
if the Commission can not find that a
grant of an application will serve the
public interest, convenience or necessity,
it will notify the applicant and other

known parties in interest of the reasons
for its inability to make such finding, and
of all objections made to the applica-
tion. Each applicant is entitled to re-
ceive such a notice, with opportunity for
reply, before his application is designa-
ted for hearing. As a result, each ap-
plication which may not be granted with-
out hearing must, absent a waiver by the
applicant of his right to a notice, be pro-
cessed at least twice, once in connection
with the preparation of the notice and
again when a reply is received. It is esti-
mated that, even in cases where no fur-
ther complications develop, the resulting
delay in action upon the application is
at least two months, including time for
preparation of the notice, time required
for reply, a lag before the application is
reached for reprocessing, and the actual
reprocessing. If, while the notice is out-
standing, a conflicting application is re-
ceived, the notice procedure must be
repeated, with the possibility of even
greater delay because of still further
complications. In some instances more
than a year has elapsed between the time
of the issuance of the first notice and the
designation for hearing because of the
necessity for a series of notices as new
conflicting applications were filed.

3. In many cases the notice required
by section 309(b) serves no useful pur-
pose, since the applicant is well aware
of the reasons why his application may
not be granted without hearing, e.g.,
mutual exclusivity with another applica-
tion, interference to an existing station,
inconsistent with standards of allocation
such as the 10 percent rule. If in such
cases applicants would waive their right
to the notice, it is apparent that not only
could action on their applications be
taken months sooner, but also the time
of the Commission's staff now spent in
the preparation of the notices and re-
processing of applications after replies
are received could be diverted to the
processing of other applications. Thus,
depending upon the extent of the waivers
filed, there could be a substantial reduc-
tion in the backlog of applications on
the processing line.

4. The Commission has in the past
given recognition to waivers of the right
to notice in the few instances in which
applicants have so requested. In order
to encourage a greater number of such
requests the Commission is amending its
Rules to specify the conditions under
which it will give effect to such waivers.
The waiver may be general in terms, or
limited to the specific objections of which
the applicant has knowledge, or general
in part and specific in part. For ex-
ample, the waiver may cover notice of
(1) any or all objections that may be
raised; (2) objections because of mutual
exclusivity with specified applications
and interference to specified stations; or
(3) objections because of mutual exclu-
sivity with any applications with which
it may be considered mutually exclusive
and interference to specified stations. In
order that the applicant may protect
himself against changed circumstances,
a waiver may be amended or withdrawn
at any time prior to action on the appli-
cation. Further, the waiver will be given
no effect if there are objections not
covered by the waiver, or if a suitable

waiver has not been filed by an applicant with a conflicting application. Hence, if applicants are to gain the intended benefit of their waivers, it is incumbent upon them to keep their waivers up to date as they become aware of additional objections.

5. Inasmuch as the proposed amendments are procedural in nature, compliance with the requirements of sections 4 (a) and (b) of the Administrative Procedure Act is not required.

6. Authority for the amendments adopted herein is found in sections 4 (i) and (j) and 303(r) of the Communications Act of 1934, as amended.

7. *It is ordered*, That, effective March 2, 1959, § 1.362 of the Commission's rules and regulations is amended as set forth below:

Adopted: February 18, 1959.

Released: February 20, 1959.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303.)

FEDERAL COMMUNICATIONS
COMMISSION,¹

[SEAL] MARY JANE MORRIS,
Secretary.

Section 1.362 of the Commission's rules is amended by adding a new paragraph (c) as follows:

(c) An applicant may at any time waive his right under section 309(b) of the Communications Act of 1934, as amended, to the notice provided for in paragraph (a) of this section. The waiver, in the form of an amendment to the application, may be general or specific in its terms, and may be amended or withdrawn at any time prior to Commission action upon the application. The Commission will give effect to such waiver unless the Commission cannot make the findings specified in § 1.361(a) for reasons not covered by the waiver, or an applicant whose application is in conflict has not filed a similar waiver, or public interest considerations indicate otherwise. In such cases, the procedure set forth in paragraph (a) of this section will be followed.

[F.R. Doc. 59-1667; Filed, Feb. 25, 1959; 8:52 a.m.]

[Docket No. 12404; FCC 59-141]

**PART 2—FREQUENCY ALLOCATIONS
AND RADIO TREATY MATTERS;
GENERAL RULES AND REGULATIONS**

Miscellaneous Amendments

In the matter of allocation of frequencies, amendment of Part 2 of the Commission's rules and regulations; Docket No. 12404.

1. On April 16, 1958, the Commission adopted a notice of proposed rule making in the above-entitled matter which was released on April 18, 1958, and published in the FEDERAL REGISTER on April 23, 1958 (23 F.R. 2698). An errata notice

¹ Dissenting statement of Commissioner Ford filed as part of original document.

correcting certain minor errors and omissions in the notice was released on May 1, 1958, and published in the FEDERAL REGISTER on May 8, 1958 (23 F.R. 3022).

2. This Fifth Report and Order completes rule-making with regard to the Commission's proposals to:

- (a) Allocate the band 942-952 Mc to:
 - (1) AM, FM and TV STL (audio only).
 - (2) FM intercity relay on a non-interference basis to other services.
 - (3) International fixed public and international aeronautical fixed stations, in the territories only, where extended range fixed circuits are required.

(b) Permit access to the band 942-952 Mc by those fixed stations which are now authorized in the band 890-942 Mc on the following conditions:

- (1) That such stations can show that harmful interference is being caused by Government radiopositioning stations in the 890-942 Mc band or by ISM operating on 915 Mc.
- (2) That an engineering study by the Commission indicates that the proposed frequency assignment in the band 942-952 Mc is likely to eliminate the above interference.
- (3) That the bandwidth of emission does not exceed 1100 kc.

(c) Allocate the band 2110-2200 Mc to:

- (1) Common Carrier fixed.
- (2) International control.
- (3) Operational fixed.

on the condition that the service rules pertaining to the aforementioned stations will limit the maximum authorized bandwidth to 5 Mc and will not permit video transmission.

As set forth below, there are appropriate amendments to Part 2 of the Commission's rules. Amendments to the service rules affected by, and conforming to, this action will be accomplished separately by subsequent Commission Orders without further Notices of Proposed Rule Making.

3. The period for filing comments in this Docket expired on June 16, 1958. All comments filed were duly considered and, insofar as they affect the matters being disposed of in this Fifth Report and Order, are summarized and disposed of as follows:

942-952 Mc Band: (a) General Electric Company and National Association of Broadcasters urge the Commission to make the allocation of this band subject to the conditions that: (1) Broadcasters shall have first priority therein so as to ensure that frequency assignments required for STL and FM intercity circuits are not pre-empted by others in such manner as to deprive broadcasters of the use of these frequencies to satisfy present and future needs for STL and FM intercity relay circuits; and (2) existing STL and FM intercity relay systems be provided adequate protection against interference from non-broadcast fixed stations which are transferred to the 942-952 Mc band. The Commission recognizes the necessity of interference-free circuits for all common carrier, broadcast STL and broadcast intercity relay circuits and will take such steps as may be necessary to insure that existing

broadcast STL and FM intercity relay systems receive adequate protection. The language of Footnote NG101, which is to be added to § 2.104(a)(5), is being modified so as to make this clear. As to the pre-emption of frequencies in the 942-952 Mc band by non-broadcast fixed stations, the Commission wishes to emphasize that only those individual stations which receive harmful interference from Government operations in the band 890-942 Mc, or ISM equipment, or cause harmful interference to, Government operations in the band 890-942 Mc will be considered for transfer to the 942-952 Mc band and then only if it can be shown that operation in the 942-952 Mc band will not cause interference to existing broadcast STL and FM intercity relay stations. The provision made herein to accommodate non-broadcast fixed stations, which may be displaced from the 890-942 Mc band, in the 942-952 Mc band may have to be reviewed at some future time and possibly revised if there appears to be danger that channels in the 942-952 Mc band will not be available to satisfy essential requirements of the broadcasting service which cannot otherwise be met.

At the request of Shenandoah Valley Broadcasters, Inc. and WGBH Educational Foundation, the Commission wishes to point out that the reallocation of the band 942-952 Mc to standard broadcast, FM broadcast, and TV broadcast (aural) STL stations and the footnotes appended thereto, which permit FM broadcast, TV broadcast (aural), and broadcast intercity relay stations to use frequencies in the band 942-952 Mc on condition that harmful interference will not be caused to stations operating in accordance with the Table of Allocations, does not carry the condition that such stations, now operating in the 890-942 Mc band, must experience interference in that band before they may apply for a transfer to the 942-952 Mc band. Frequencies may be assigned to these stations at any time, upon appropriate application therefor.

(b) The National Committee for Utilities Radio and the American Petroleum Institute expressed opposition to frequency bands above 890 Mc being shared with common carriers on the ground that it would curtail future expansion by creation of frequency shortages for private users of the radio spectrum, and they pointed to the private user loss of the 890-942 Mc and 3500-3700 Mc bands by the Commission's reallocation thereof to Government users as a result of our Memorandum Opinion and Order, dated April 16, 1958 (FCC 58-379). It should be noted that the common carriers suffered the same loss of these identical bands, which were allocated on a shared basis to several non-government radio services. In this connection, we wish to clarify that the recent reallocation of the 3500-3700 Mc band to Government cannot be viewed as having curtailed expansion of either common carrier or operational fixed microwave services because this band has never been allocated for non-Government fixed service. Except for the frequency band 890-942 Mc, our frequency reallocation of April 16 did not involve such

transfer of any bands wherein provision was made for Operational Fixed stations. Our frequency assignment records show that there is very little occupancy in the 890-940 Mc band by any radio service other than common carrier fixed. In that respect, the problem of transferring operations out of the 890-942 Mc band to avoid harmful interference from ISM installations and Government radiopositioning stations is manifestly much greater for common carriers than for any other service. This factor cannot be overlooked and we believe it merits special consideration. The Commission's proposal with respect to occupancy of the 942-952 Mc band by common carriers does not contemplate permitting the carriers to expand their operations on such frequencies, but merely provides that such frequencies may be used only to escape interference from ISM and radiopositioning in the 890-942 Mc band after it arises. We believe that the number of such cases which may be solved by this arrangement will be relatively small and, therefore, this should not curtail appreciably the possibilities of growth of other radio services on frequencies between 942 and 952 Mc.

(c) Comments filed by spokesmen for the communications common carrier industry, viz., United States Independent Telephone Association, American Telephone & Telegraph Company, and Lenkurt Electric Company, Inc., take the view that: (1) Ten megacycles of spectrum (942-952 Mc) is totally inadequate for transfer of common carrier systems from the 890-940 Mc band, inasmuch as the carriers typically require a minimum frequency separation of 12 Mc between transmitting and receiving frequencies; (2) common carriers could not plan on availability of space in the 942-952 Mc band to solve 890-940 Mc interference cases since no one knows in advance where and when interference will arise or what the occupancy in the 942-952 Mc band will be in the geographic area involved when interference does arise; (3) disruption of public communication service is bound to result unless common carriers can make advance plans and move out of the 890-940 Mc band, which cannot be achieved due to the fact that the 942-952 Mc band would not be available to common carriers until harmful interference has arisen. The possibility of harmful interference being caused to any station now authorized to operate in the 890-942 Mc band, and the consequences that may ensue if public service should be disrupted by such interference, are a matter of serious concern to the Commission. We are equally concerned that ample provision be made for the orderly growth and development of the various microwave radio services. The numerous recommendations that separate and distinct frequency allocations be made to the private and common carrier services, respectively, have substantial merit.

In this connection, we wish to point out that the common carrier services which may be displaced from the 890-942 Mc band may be transferred to other frequency bands allocated to common carrier fixed stations, as well as the

bands shared by common carrier fixed with other services, and it was never contemplated that all of the displaced stations would be accommodated in the 942-952 Mc band. As to the overall needs of the various services for frequency space above 890 Mc, this was the subject of a recent extensive allocations inquiry (Docket No. 11866) and is still under review by the Commission. The proposal to permit common carriers access to the 942-952 Mc band did not contemplate that entire microwave systems would be transferred to that band, but only such individual stations in a complete system as received interference from, or caused interference to, Government operations in the 890-942 Mc band. Furthermore, we believe that affected common carriers will consider such individual station transfers to be temporary expedients and will plan ultimate system construction in bands which are not subject to displacement because of interference problems from priority services. As to the adequacy of the spectrum space allocated to common carriers, the Commission is making no finding in that regard in this proceeding.

(d) Therefore, we believe that the provisions made herein with respect to the use of the 942-952 Mc band by non-Government fixed stations now operating in the band 890-940 Mc, which may be required to change frequency in order to eliminate interference to Government operations in that band or to escape interference from Government stations or ISM equipment operating in the band 890-940 Mc, would serve the public interest, convenience, and necessity, and are adopting the amendment to § 2.104 (a) (5) of the Commission rules as set forth below.

2110-2200 Mc Band: (a) National Committee for Utilities Radio and American Petroleum Institute oppose the sharing of this band with common carriers on the grounds indicated above relative to the 942-952 Mc band. Additionally, American Petroleum Institute contends that, since private users and common carriers use different coordination and operation procedures, and are controlled by different rules and engineering standards, band sharing between such services would be intolerable and result only in confusion and interference. The American Petroleum Institute recognizes the need for common carriers to have access to frequencies substantially below the 4000 Mc band to meet situations where the propagation characteristics of the microwave bands, which are now available to common carriers, are inadequate, and suggests that a provision be made for common carrier spectrum space in the vicinity of 1000 Mc rather than in the 2000 Mc region where the propagation characteristics of radio waves are less favorable. If the Commission should decide to allocate space to common carriers in the 2110-2200 Mc band, the American Petroleum Institute urges that this band be split into exclusive blocks of frequencies for common carriers and private users. These representations have been taken into consideration and are disposed of as indicated in paragraph (c) below.

(b) The United States Telephone Association alleges that equipment suitable for common carrier operations in the 2110-2200 Mc band is not now available and that substantial time will be necessary to develop such equipment, in consequence of which it is impracticable now to plan on use of this band as a substitute for the 890-940 Mc band. They contend that they will lose a large portion of their multi-million dollar investment in 900 Mc microwave systems if forced to move to the 2110-2200 Mc band, since the 900 Mc equipment cannot be practicably modified to move that high in the spectrum. This contention is supported by comments of Lenkurt Electric Company, Inc., manufacturer of most of the radio equipment used in the 890-940 Mc band, which states that complete replacement of antennas, duplexers, transmitters and receivers would be necessary, as well as some antenna tower changes and relocation of stations. Both parties contend that shared use of the same band precludes the orderly expansion, frequency-wise, of common carrier service, as planning for such use must be done substantially in advance of service, and there is no assurance that frequencies, on which expansion is planned, would not have been pre-empted by private users by the time they were required by common carriers. Relative thereto, the comments of National Committee for Utilities Radio express concern that the requirements of common carriers for spur routes and links between small cities are so heavy that their occupancy in this band would effectively preclude the use of the band by Operational Fixed stations in practically every part of the country. The American Telephone & Telegraph Company indicates support of the Commission's proposal and states that the 2110-2200 Mc band can, in some instances, be used as a substitute for the 890-940 Mc band, but points out that the frequencies are more than an octave above the 900 Mc band and the substantially different propagation characteristics will, in many instances, not be well suited.

These representations are disposed of in the following paragraphs.

(c) Although microwave bands for common carrier use, other than for international control purposes, are allocated in the 4000 Mc and higher regions of the spectrum under the present frequency allocations, no microwave bands lower in the spectrum are available to meet their transmission requirements over difficult terrain where the propagation characteristics of the allocated bands are inadequate. In view of the obligations of the carriers to provide communication service to the public and for vital national defense requirements, it is apparent that this void in the complement of common carrier frequencies must be corrected. In this connection, we are unable to obtain the necessary space from the parts of the spectrum reserved for Government use. Of the remainder of the spectrum between 952 Mc and 3700 Mc, we are of the opinion that opening the 2110-2200 Mc band to common carriers on a shared basis with private users will minimize the likelihood of disruption of private microwave serv-

ice and will enhance the ability of the carriers to provide service which could not be provided feasibly on other available frequencies. We have weighed the suggestion that this band be subdivided to provide separate frequency blocks for private users and common carriers, respectively, and conclude that greater frequency utilization can be achieved if the band is not subdivided. The Commission does not question that frequency coordination between user groups will be more difficult under these circumstances. However, we expect that users of such frequencies will bend every effort toward avoidance of interference through such coordination as may be necessary. The Commission finds that the public interest, convenience and necessity will be served by amending § 2.104(a) (5) of our rules with respect to the 2110-2200 Mc band, as shown below.

4. The United States Independent Telephone Association, American Telephone & Telegraph Company and Lenkurt Electric Company, Inc., have requested, in their comments on this Docket, that the frequency band 840-890 Mc be reallocated to common carrier fixed operations as a solution to the instant common carrier microwave problem. That solution is not now available. Requests for reallocation of the 840-890 Mc band are so interrelated with other frequency allocation matters in the 25-890 Mc region of the spectrum that they must be considered in connection with Docket No. 11997 (cf. FCC Public Notice FCC 58-745, Memorandum Opinion and Order of the Commission re petitions for reconsideration and stay of its action of April 16, 1958, with respect to reallocation of certain frequency bands (Parts

2, 4, 7, 8, 9, 10, 11, 12, 16, and 21 of the rules) from non-Government to Government use).

5. It should be understood, however, that sharing is authorized in the foregoing bands only because of the unique circumstances and the decision herein is not to be construed as a determination that sharing between common carriers and private users is generally feasible or appropriate in any other bands. The question as to such sharing is one of the issues upon which evidence was adduced in Docket No. 11866, In the Matter of Allocation of Frequencies in the Bands above 890 Mc.

6. In view of the foregoing, pursuant to the authority set forth in sections 303 (c), (f), and (r) of the Communications Act of 1934, as amended: *It is ordered*, That effective March 31, 1959, Part 2 of the Commission's rules is hereby amended as set forth below.

7. Matters not heretofore finalized in this proceeding will be dealt with by such subsequent Reports and Orders of the Commission as may be appropriate.

(Sec. 4, 48 Stat. 1066, as amended; 47 U.S.C. 154. Interprets or applies sec. 303, 48 Stat. 1082, as amended; 47 U.S.C. 303)

Adopted: February 18, 1959.

Released: February 20, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

1. In the Table of Frequency Allocations, § 2.104(a) (5), change the entries in the band 942-952 Mc in columns 7 through 11 to read as follows:

Band Mc	Service	Class of station	Frequency Mc	Nature of SERVICES of stations
7	8	9	10	11
942-952 (NG13) (NG101)	Fixed.	(a) AM broadcast STL. (b) FM broadcast STL (NG14). (c) International aeronautical fixed (territories only). (d) International fixed public (territories only). (e) Television STL (audio only).		

2. Add new footnote NG101 to § 2.104 (a) (5) to read as follows:

NG101 Non-government fixed stations which were authorized on April 16, 1958, to use frequencies in the band 890-942 Mc may, upon the showing that interference is being caused by or to their assignments, be authorized to use frequencies in the band 942-952 Mc provided the bandwidth of emission does not exceed 1100 kc and provided that an engineering study by the Commission indi-

cates that the proposed frequency assignment for such stations in the band 942-952 Mc is likely to result in the elimination of the interference occurring in the band 890-942 Mc, and will not cause interference to existing operations in the band 942-952 Mc.

3. In the Table of Frequency Allocations, § 2.104(a) (5) change the entries in the band 2110-2200 Mc in columns 7 through 11 to read as follows:

Band Mc	Service	Class of station	Frequency Mc	Nature of SERVICES of stations
7	8	9	10	11
2110-2200 (NG13) (NG30)	Fixed.	(a) Common carrier fixed. (b) International control. (c) Operational fixed.		

[F.R. Doc. 59-1668; Filed, Feb. 25, 1959; 8:52 a.m.]

Title 37—PATENTS, TRADE-MARKS, AND COPYRIGHTS

Chapter I—Patent Office, Department of Commerce

PART I—RULES OF PRACTICE IN PATENT CASES

Advertising

The date on which amended § 1.345 of Part 1 (23 F.R. 6199, August 13, 1958) is to take effect is further extended to July 1, 1959. Until amended § 1.345 comes into effect, § 1.345, Title 37, Code of Federal Regulations, shall be in effect.

(Sec. 6, 66 Stat. 793; 35 U.S.C. 6. Interprets or applies secs. 31, 32, 66 Stat. 795, 796; 35 U.S.C. 31, 32)

ROBERT C. WATSON,
Commissioner of Patents.

Approved: February 17, 1959.

LEWIS L. STRAUSS,
Secretary of Commerce.

[F.R. Doc. 59-1624; Filed, Feb. 25, 1959; 8:45 a.m.]

PROPOSED
RULE MAKING

DEPARTMENT OF THE TREASURY

Bureau of Customs

[19 CFR Part 1]

ROOSEVELTOWN AND MASSENA,
N.Y.; CUSTOMS PORT OF ENTRY

Notice of Proposed Rule Making

Notice is hereby given that pursuant to the authority vested in the President by section 1 of the Act of August 1, 1914, 38 Stat. 623 (19 U.S.C. 2), which was delegated to the Secretary of the Treasury by the President by Executive Order No. 10289, September 17, 1951 (3 CFR, 1951 Supp., Ch. II), it is proposed to revoke the designation of Roosevelttown, New York, as a customs port of entry in Customs Collection District No. 7 (St. Lawrence); to establish in Customs Collection District No. 7 a new customs port of entry at Massena, New York, to include the township of Massena (of which Roosevelttown is a part) in the State of New York; and to amend § 1.1(c) of the Customs Regulations to indicate these changes. The purpose of these changes is to extend the port limits to encompass an area including, but extending beyond, Roosevelttown and to provide a name descriptive of the greater area to be served.

This notice is published pursuant to section 4 of the Administrative Procedure Act (5 U.S.C. 1003). Data, views, or arguments with respect to the pro-

posed revocation of the designation of Roosevelt as a customs port of entry, and the designation of Massena as a customs port of entry may be addressed to the Commissioner of Customs, Bureau of Customs, Washington 25, D.C., in writing. To assure consideration of such communications, they must be received in the Bureau of Customs not later than 20 days from the date of publication of this notice in the FEDERAL REGISTER. No hearing will be held. (MC 192-7.1)

[SEAL] RALPH KELLY,
Commissioner of Customs.

Approved: February 18, 1959.

A. GILMORE FLUES,
Acting Secretary of the Treasury.

[F.R. Doc. 59-1660; Filed, Feb. 25, 1959;
8:51 a.m.]

Internal Revenue Service

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Hearing on Proposed Regulations

Proposed regulations under section 6851 and proposed amendment of regulations under sections 167(d), 911 and 6015(b) of the Internal Revenue Code of 1954, relating to termination of taxable year, certified mail, cross reference and returns as declaration of estimated tax, were published in the FEDERAL REGISTER for Wednesday, January 14, 1959. One or more interested parties have submitted comments and suggestions pertaining to the proposed regulations, and have requested an opportunity to comment orally at a public hearing on the proposed regulations.

A public hearing on the proposed regulations will be held on Friday, March 6, 1959, at 10:00 a.m., e.s.t., in Room 3313, Internal Revenue Building, Twelfth and Constitution Avenue NW., Washington, D.C. Persons who plan to attend the hearing are requested to so notify the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., by March 3, 1959.

[SEAL] MAURICE LEWIS,
Director,
Technical Planning Division,
Internal Revenue Service.

[F.R. Doc. 59-1665; Filed, Feb. 25, 1959;
8:52 a.m.]

[26 CFR (1954) Part 1]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953

Notice of Proposed Rule Making

Notice is hereby given, pursuant to the Administrative Procedure Act, approved June 11, 1946, that the regulations set forth in tentative form below are pro-

posed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

In order to conform the Income Tax Regulations (26 CFR (1954) Part 1) relating to sections 1231, 1234, and 1235 of the Internal Revenue Code of 1954 to sections 49, 53, and 54 of the Technical Amendments Act of 1958 (72 Stat. 1642, 1644), such regulations are amended as follows:

§ 1.1231 [Amendment]

PARAGRAPH 1. Section 1.1231 is amended:

(A) By inserting at the end of section 1231(a) as set out in § 1.1231 the following new sentence: "In the case of any property used in the trade or business and of any capital asset held for more than 6 months and held for the production of income, this subsection shall not apply to any loss, in respect of which the taxpayer is not compensated for by insurance in any amount, arising from fire, storm, shipwreck, or other casualty, or from theft."

(B) By inserting the following historical note immediately after section 1231(b) (4), as set out in § 1.1231:

[Sec. 1231 as amended by sec. 49, Technical Amendments Act of 1958 (72 Stat. 1642)]

§ 1.1231-1 [Amendment]

PAR. 2. Section 1.1231-1 is amended:

(A) By inserting at the end of paragraph (c) the following new sentence: "Notwithstanding any of the provisions of this paragraph, section 1231(a) does not apply to losses described in paragraph (e) (2) of this section."

(B) By inserting the following immediately after the heading of paragraph (e): "(1) *General rule.*"

(C) By inserting before the period at the end of the second sentence of paragraph (e) (1), as redesignated, the following: "unless subparagraph (2) of this paragraph applies."

(D) By inserting immediately after the second comma in the third sentence of paragraph (e) (1) the following: "but not held for the production of income,".

(E) By inserting at the end of paragraph (e) (1) the following new subparagraph:

(2) *Certain uninsured losses.* Notwithstanding the provisions of subparagraph (1) of this paragraph, losses sustained during a taxable year beginning after December 31, 1957, with respect to both property used in the trade or business and any capital asset held for more than 6 months and held for the production of income, which losses arise from fire, storm, shipwreck, or other casualty, or from theft, and which are not compensated for by insurance in any amount, are not losses to which section 1231(a) applies. Such losses shall not be taken into account in applying the provisions of this section.

(F) By inserting the following sentences at the end of example (1) in paragraph (g): "For any taxable year ending after December 31, 1957, the \$5,000 loss upon theft of bonds (item 6) would not be taken into account under section 1231. See paragraph (e) (2) of this section."

PAR. 3. Section 1.1234 is amended to read as follows:

§ 1.1234 Statutory provisions; options to buy or sell.

SEC. 1234. *Options to buy or sell.*—(a) *Treatment of gain or loss.* Gain or loss attributable to the sale or exchange of, or loss attributable to failure to exercise, a privilege or option to buy or sell property shall be considered gain or loss from the sale or exchange of property which has the same character as the property to which the option or privilege relates has in the hands of the taxpayer (or would have in the hands of the taxpayer if acquired by him).

(b) *Special rule for loss attributable to failure to exercise option.* For purposes of subsection (a), if loss is attributable to failure to exercise a privilege or option, the privilege or option shall be deemed to have been sold or exchanged on the day it expired.

(c) *Non-application of section.* This section shall not apply to—

(1) A privilege or option which constitutes property described in paragraph (1) of section 1221;

(2) In the case of gain attributable to the sale or exchange of a privilege or option, any income derived in connection with such privilege or option which, without regard to this section, is treated as other than gain from the sale or exchange of a capital asset;

(3) A loss attributable to failure to exercise an option described in section 1233 (c); or

(4) Gain attributable to the sale or exchange of a privilege or option acquired by the taxpayer before March 1, 1954, if in the hands of the taxpayer such privilege or option is a capital asset.

[Sec. 1234 as amended by sec. 53, Technical Amendments Act of 1958 (72 Stat. 1644)]

§ 1.1234-1 [Amendment]

PAR. 4. Paragraph (e) of § 1.1234-1 is amended by inserting the following new subparagraph at the end thereof:

(4) Acquired by the taxpayer before March 1, 1954, if in the hands of the taxpayer such option is a capital asset.

§ 1235 [Amendment]

PAR. 5. Section 1.1235 is amended:

(A) By revising paragraph (d) of section 1235 to read as follows:

(d) *Related persons.* Subsection (a) shall not apply to any transfer, directly or indirectly, between persons specified within any one of the paragraphs of section 267(b); except that, in applying section 267(b) and (c) for purposes of this section—

(1) The phrase "25 percent or more" shall be substituted for the phrase "more than 50 percent" each place it appears in section 267(b), and

(2) Paragraph (4) of section 267(c) shall be treated as providing that the family, of an individual shall include only his spouse, ancestors, and lineal descendants.

(B) By inserting the following historical note at the end of section 1235:

[Sec. 1235 as amended by sec. 54, Technical Amendments Act of 1958 (72 Stat. 1644)]

§ 1.1235-2 [Amendment]

PAR. 6. Paragraph (f) of § 1.1235-2 is amended:

(A) By striking all of subparagraph (1) after the first two sentences and inserting in lieu thereof the following two new subparagraphs:

(2) If, prior to September 3, 1958, a holder transferred all his substantial rights to a patent to a corporation in which he owned more than 50 percent in value of the outstanding stock, he is considered as having transferred such rights to a related person for the purpose of section 1235. On the other hand, if a holder, prior to September 3, 1958, transferred all his substantial rights to a patent to a corporation in which he owned 50 percent or less in value of the outstanding stock and his brother owned the remaining stock, he is not considered as having transferred such rights to a related person since the brother relationship is to be disregarded for purposes of section 1235.

(3) If, subsequent to September 2, 1958, a holder transfers all his substantial rights to a patent to a corporation in which he owns 25 percent or more in value of the outstanding stock, he is considered as transferring such rights to a related person for the purpose of section 1235. On the other hand if a holder, subsequent to September 2, 1958, transfers all his substantial rights to a patent to a corporation in which he owns less than 25 percent in value of the outstanding stock and his brother owns the remaining stock, he is not considered as transferring such rights to a related person since the brother relationship is to be disregarded for purposes of section 1235.

(B) By redesignating subparagraph (2) as subparagraph (4) and, in the first sentence thereof, changing the reference to subparagraph (1) to "subparagraphs (1), (2), and (3)".

[F.R. Doc. 59-1662; Filed, Feb. 25, 1959; 8:51 a.m.]

[26 CFR (1954) Parts 1, 301]

INCOME TAX; TAXABLE YEARS BEGINNING AFTER DECEMBER 31, 1953; PROCEDURE AND ADMINISTRATION

Notice of Proposed Rule Making

Pursuant to the Administrative Procedure Act, approved June 11, 1946,

proposed regulations under section 501(c)(3) and (4) of the Internal Revenue Code of 1954 were published in tentative form with a notice of proposed rule making in the FEDERAL REGISTER for January 21, 1956 (21 F.R. 460). Notice is hereby given that proposed §§ 1.501(c)(3), 1.501(c)(3)-1, 1.501(c)(4) and 1.501(c)(4)-1 are hereby withdrawn.

Further, notice is hereby given, pursuant to the Administrative Procedure Act, that the regulations set forth in tentative form below are proposed to be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury or his delegate, in substitution for the proposed regulations hereinbefore withdrawn. Prior to the final adoption of such regulations, consideration will be given to any comments or suggestions pertaining thereto which are submitted in writing, in duplicate, to the Commissioner of Internal Revenue, Attention: T:P, Washington 25, D.C., within the period of 30 days from the date of publication of this notice in the FEDERAL REGISTER. Any person submitting written comments or suggestions who desires an opportunity to comment orally at a public hearing on these proposed regulations should submit his request, in writing, to the Commissioner within the 30-day period. In such a case, a public hearing will be held, and notice of the time, place, and date will be published in a subsequent issue of the FEDERAL REGISTER. The proposed regulations are to be issued under the authority contained in section 7805 of the Internal Revenue Code of 1954 (68A Stat. 917; 26 U.S.C. 7805).

[SEAL] DANA LATHAM,
Commissioner of Internal Revenue.

The Income Tax Regulations (26 CFR (1954) Part 1) and the Regulations on Procedure and Administration (26 CFR (1954) Part 301) are hereby amended to prescribe regulations under section 501(c)(3) and (4) of the Internal Revenue Code of 1954 and to make certain conforming amendments. Except as otherwise specifically provided therein, such amendments are effective for taxable years beginning after December 31, 1953, and ending after August 16, 1954.

§ 1.501(a)-1 [Amendment]

PARAGRAPH 1. Section 1.501(a)-1. is amended as follows:

(A) Paragraph (a)(2) is amended by striking the last sentence and inserting the following in lieu thereof: "Subject only to the Commissioner's inherent power to revoke rulings because of a change in the law or regulations or for other good cause, an organization that has been determined by the Commissioner or the district director to be exempt under section 501(a) or the corresponding provision of prior law may rely upon such determination so long as there are no changes in the organization's character, purposes, or methods of operation. An organization which has been determined to be exempt under the provisions of the Internal Revenue Code of 1939 or prior law is not required to secure a new determination of exemption merely because of the enactment of

the Internal Revenue Code of 1954 unless affected by substantive changes in law made by such Code."

(B) Paragraph (b)(1) is amended by adding the following new subdivision at the end thereof:

(iii) An organization described in section 501(c)(3) shall submit with, and as a part of, an application filed after _____, 1959, a detailed statement of its proposed activities.

PAR. 2. There are inserted immediately after § 1.501(c)(2)-1 the following new sections:

§ 1.501(c)(3) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals.

SEC. 501. Exemption from tax on corporations, certain trusts, etc. * * *

(c) List of exempt organizations. The following organizations are referred to in subsection (a):

(3) Corporations, and any community chest, fund, or foundation, organized and operated exclusively for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals, no part of the net earnings of which inures to the benefit of any private shareholder or individual, no substantial part of the activities of which is carrying on propaganda, or otherwise attempting, to influence legislation, and which does not participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of any candidate for public office.

§ 1.501(c)(3)-1 Organizations organized and operated for religious, charitable, scientific, testing for public safety, literary, or educational purposes, or for the prevention of cruelty to children or animals.

(a) *Organizational and operational tests.* (1) In order to be exempt as an organization described in section 501(c)(3), an organization must be both organized and operated exclusively for one or more of the purposes specified in such section. If an organization fails to meet either the organizational test or the operational test, it is not exempt.

(2) The term "exempt purpose or purposes", as used in this section, means any purpose or purposes specified in section 501(c)(3), as defined and elaborated in paragraph (d) of this section.

(b) *Organizational test.*—(1) In general. (i) An organization is organized exclusively for one or more exempt purposes only if its articles of organization (referred to in this section as its "articles") as defined in subparagraph (2) of this paragraph:

(a) Limit the purposes of such organization to one or more exempt purposes; and

(b) Do not expressly empower the organization to engage, otherwise than as an insubstantial part of its activities, in activities which in themselves are not in furtherance of one or more exempt purposes.

(ii) In meeting the organizational test, the organization's purposes, as stated in its articles, may be as broad as, or more specific than, the purposes stated in section 501(c)(3). Therefore, an organization which, by the terms of its articles, is formed "for literary and scientific purposes within the meaning of section 501(c)(3) of the Internal Revenue Code of 1954" shall, if it otherwise meets the requirements in this paragraph, be considered to have met the organizational test. Similarly, articles stating that the organization is created solely "to receive contributions and pay them over to organizations which are described in section 501(c)(3) and exempt from taxation under section 501(a)" are sufficient for purposes of the organizational test. Moreover, it is sufficient if the articles set forth the purpose of the organization to be the operation of a school for adult education and describe in detail the manner of the operation of such school. In addition, if the articles state that the organization is formed for "charitable purposes", such articles ordinarily shall be sufficient for purposes of the organizational test (see paragraph (d)(2) of this section for definition of "charitable").

(iii) An organization is not organized exclusively for one or more exempt purposes if its articles expressly empower it to carry on, otherwise than as an insubstantial part of its activities, activities which are not in furtherance of one or more exempt purposes, even though such organization is, by the terms of such articles, created for a purpose that is no broader than the purposes specified in section 501(c)(3). Thus, an organization that is empowered by its articles "to engage in the manufacturing business" does not meet the organizational test regardless of the fact that its articles may state that such organization is created "for charitable purposes within" the meaning of section 501(c)(3) of the Internal Revenue Code.

(iv) In no case shall an organization be considered to be organized exclusively for one or more exempt purposes, if, by the terms of its articles, the purposes for which such organization is created are broader than the purposes specified in section 501(c)(3). The fact that the actual operations of such an organization have been exclusively in furtherance of one or more exempt purposes shall not be sufficient to permit the organization to meet the organizational test. Similarly, such an organization will not meet the organizational test as a result of statements or other evidence that the members thereof intend to operate only in furtherance of one or more exempt purposes.

(v) An organization must, in order to establish its exemption, submit a detailed statement of its proposed activities with and as a part of its application for exemption (see paragraph (b) of § 1.501(a)-1).

(2) *Articles of organization.* For purposes of this section, the term "articles of organization" or "articles" includes the trust instrument, the corporate charter, the articles of association, or any other written instrument by which an organization is created.

(3) *Authorization of legislative or political activities.* An organization is not organized exclusively for one or more exempt purposes if its articles expressly empower it:

(i) To devote more than an insubstantial part of its activities to attempting to influence legislation by propaganda or otherwise; or

(ii) Directly or indirectly to participate in, or intervene in (including the publishing or distributing of statements), any political campaign on behalf of or in opposition to any candidate for public office; or

(iii) To have objectives and to engage in activities which characterize it as an "action" organization as defined in paragraph (c)(3) of this section.

The terms used in subdivisions (i), (ii), and (iii) of this subparagraph shall have the meanings provided in paragraph (c)(3) of this section.

(4) *Distribution of assets on dissolution.* An organization is not organized exclusively for one or more exempt purposes unless its assets are irrevocably dedicated to an exempt purpose. Therefore, an organization does not meet the organizational test unless, upon dissolution, its assets would, by reason of a provision in its articles or by operation of State law, be distributed for one or more exempt purposes, or to the Federal government, or to a State or local government, for a public purpose.

(5) *Construction of terms.* The law of the State in which an organization is created shall be controlling in construing the terms of its articles. However, any organization which contends that such terms have under State law a different meaning from their generally accepted meaning must establish such special meaning by clear and convincing reference to relevant court decisions, opinions of the State attorney-general, or other evidence of applicable State law. For example, if an organization is created for "benevolent" purposes, the term "benevolent", being, in its generally accepted sense, a broader term than "charitable", will not be regarded as synonymous with "charitable" as used in section 501(c)(3) in the absence of proof as to State law.

(c) *Operational test.*—(1) *Primary activities.* An organization will be regarded as "operated exclusively" for one or more exempt purposes only if it engages primarily in activities which accomplish one or more of such exempt purposes specified in section 501(c)(3). An organization will not be so regarded if more than an insubstantial part of its activities is not in furtherance of an exempt purpose.

(2) *Distribution of earnings.* An organization is not operated exclusively for one or more exempt purposes if its net earnings inure in whole or in part to the benefit of private shareholders or individuals. For the definition of the words "private shareholder or individual", see paragraph (c) of § 1.501(a)-1.

(3) *"Action" organizations.* (i) An organization is not operated exclusively for one or more exempt purposes if it is an "action" organization as defined in

subdivisions (ii), (iii), or (iv) of this subparagraph.

(ii) An organization is an "action" organization if a substantial part of its activities is attempting to influence legislation by propaganda or otherwise. For this purpose, an organization will be regarded as attempting to influence legislation if the organization:

(a) Contacts, or urges the public to contact, members of a legislative body for the purpose of proposing, supporting, or opposing legislation; or

(b) Advocates the adoption or rejection of legislation.

The term "legislation", as used in this subdivision, includes action by the Congress, by any State legislature, by any local council or similar governing body, or by the public in a referendum, initiative, constitutional amendment, or similar procedure. An organization will not fail to meet the operational test merely because it advocates, as an insubstantial part of its activities, the adoption or rejection of legislation.

(iii) An organization is an "action" organization if it participates or intervenes, directly or indirectly, in any political campaign on behalf of or in opposition to any candidate for public office. The term "candidate for public office" means an individual who offers himself, or is proposed by others, as a contestant for an elective public office, whether such office be national, State, or local. Activities which constitute participation or intervention in a political campaign on behalf of or in opposition to a candidate include, but are not limited to, the publication or distribution of written or printed statements or the making of oral statements on behalf of or in opposition to such a candidate.

(iv) An organization is an "action" organization if it has the following two characteristics: (a) Its main or primary objective or objectives (as distinguished from its incidental or secondary objectives) may be attained only by legislation or a defeat of proposed legislation; and (b) it advocates, or campaigns for, the attainment of such main or primary objective or objectives as distinguished from engaging in nonpartisan analysis, study, or research and making the results thereof available to the public. In determining whether an organization has such characteristics, all the surrounding facts and circumstances, including the articles and all activities of the organization, are to be considered.

(v) An "action" organization, described in subdivisions (ii) or (iv) of this subparagraph, though it cannot qualify under section 501(c)(3), may nevertheless qualify as a social welfare organization under section 501(c)(4) if it meets the requirements set out in paragraph (a) of § 1.501(c)(4)-1.

(d) *Exempt purposes.*—(1) *In general.* (i) An organization may be exempt as an organization described in section 501(c)(3) if it is organized and operated exclusively for one or more of the following purposes:

- (a) Religious,
- (b) Charitable,
- (c) Scientific,
- (d) Testing for public safety,

- (e) Literary,
- (f) Educational, or
- (g) Prevention of cruelty to children or animals.

(ii) An organization is not organized or operated exclusively for one or more of the purposes specified in subdivision (i) of this subparagraph unless it serves a public rather than a private interest. Thus, to meet the requirement of this subdivision, it is necessary for an organization to establish that it is not organized or operated for the benefit of private interests such as designated individuals, the creator or his family, shareholders of the organization, or persons controlled, directly or indirectly, by such private interests.

(iii) Since each of the purposes specified in subdivision (i) of this subparagraph is an exempt purpose in itself, an organization may be exempt if it is organized and operated exclusively for any one or more of such purposes. If, in fact, an organization is organized and operated exclusively for an exempt purpose or purposes, exemption will be granted to such an organization regardless of the purpose or purposes specified in its application for exemption. For example, if an organization claims exemption on the ground that it is "educational", exemption will not be denied if, in fact, it is "charitable".

(2) *Charitable defined.* The term "charitable" is used in section 501(c)(3) in its generally accepted legal sense and is, therefore, not to be construed as limited by the separate enumeration in section 501(c)(3) of other tax-exempt purposes which may fall within the broad outlines of "charity" as developed by judicial decisions. Such term includes: Relief of the poor and distressed or of the underprivileged; advancement of religion; advancement of education or science; erection or maintenance of public buildings, monuments, or works; lessening of the burdens of Government; and promotion of social welfare. The term "social welfare" is defined in § 1.501(c)(4)-1. A social welfare organization, as so defined, will qualify as charitable under section 501(c)(3) if it otherwise meets the requirements of this section and if it is not an "action" organization, as described in paragraph (c)(3) of this section. The fact that an organization which is organized and operated for the relief of indigent persons may receive voluntary contributions from the persons intended to be relieved will not necessarily prevent such organization from being exempt as an organization organized and operated exclusively for charitable purposes.

(3) *Educational defined—(i) In general.* The term "educational", as used in section 501(c)(3), relates to:

(a) The instruction or training of the individual for the purpose of improving or developing his capabilities; or

(b) The instruction of the public on subjects useful to the individual and beneficial to the community.

An organization may be educational even though it advocates a particular position or viewpoint so long as it presents a sufficiently full and fair exposition of the pertinent facts as to permit an indi-

vidual or the public to form an independent opinion or conclusion. On the other hand, an organization is not educational if its principal function is the mere presentation of unsupported opinion.

(ii) *Examples of educational organizations.* The following are examples of organizations which, if they otherwise meet the requirements of this section, are educational:

Example (1). An organization, such as a primary or secondary school, a college, or a professional or trade school, which has a regularly scheduled curriculum, a regular faculty, and a regularly enrolled body of students in attendance at a place where the educational activities are regularly carried on.

Example (2). An organization whose activities consist of presenting public discussion groups, forums, panels, lectures, or other similar programs. Such programs may be on radio or television.

Example (3). An organization which presents a course of instruction by means of correspondence or through the utilization of television or radio.

Example (4). Museums, zoos, planetariums, symphony orchestras, and other similar organizations.

Example (5). An organization which engages in general or basic research (as contrasted with applied or product research) in either the physical or social sciences or otherwise and which makes the results of such research freely available to the public.

(4) *Testing for public safety defined.* The term "testing for public safety", as used in section 501(c)(3), includes the testing of consumer products, such as electrical products, to determine whether they are safe for use by the general public.

(c) *Organizations carrying on trade or business—(1) In general.* An organization does not meet the requirements of section 501(c)(3) if it is organized for the purpose of engaging in a trade or business or operates a trade or business as a substantial part of its activities. An organization so organized or so operated is not exempt under section 501(c)(3) even though it has certain religious purposes, its property is held in common, and its profits do not inure to the benefit of individual members of the organization. See, however, section 501(d) and § 1.501(d)-1, relating to religious and apostolic organizations.

(2) *Taxation of unrelated business income.* For provisions relating to the taxation of unrelated business income of certain organizations described in section 501(c)(3), see sections 511 to 515, inclusive, and the regulations thereunder.

(3) *Prohibited transactions and accumulations.* For provisions relating to the denial of exempt status to certain organizations described in section 501(c)(3) for engaging in certain prohibited transactions or unreasonably accumulating income, see sections 503 and 504 and the regulations thereunder.

(f) *Prior determinations.* If, pursuant to § 1.501(a)-1 or the corresponding provision of prior regulations, an organization has been determined by the Commissioner or district director to be exempt as an organization described in section 501(c)(3) or in a corresponding provision of prior law and such determination has not been revoked prior to

the promulgation of this section of the regulations, it shall not be necessary that such organization file a new application to reestablish its exemption merely because of the promulgation of this section of the regulations.

§ 1.501(c)(4) Statutory provisions; exemption from tax on corporations, certain trusts, etc.; civic organizations.

Sec. 501. Exemption from tax on corporations, certain trusts, etc. * * *

(c) List of exempt organizations. The following organizations are referred to in subsection (a):

(4) Civic leagues or organizations not organized for profit but operated exclusively for the promotion of social welfare, or local associations of employees, the membership of which is limited to the employees of a designated person or persons in a particular municipality, and the net earnings of which are devoted exclusively to charitable, educational, or recreational purposes.

§ 1.501(c)(4)-1 Civic organizations and local associations of employees.

(a) *Civic organizations—(1) In general.* A civic league or organization may be exempt as an organization described in section 501(c)(4) if:

(i) It is not organized or operated for profit; and

(ii) It is operated exclusively for the promotion of social welfare.

(2) *Promotion of social welfare—(i) In general.* An organization is operated exclusively for the promotion of social welfare if it is primarily engaged in promoting in some way the common good and general welfare of the people of the community. An organization embraced within this section is one which is operated primarily for the purpose of bringing about civic betterments and social improvements. Such an organization is sometimes referred to as a "social welfare" organization, and, if it otherwise meets the requirements of § 1.501(c)(3)-1, it will qualify for exemption as a charitable organization under section 501(c)(3) unless it is an "action" organization of any one of the types described in paragraph (c)(3) of § 1.501(c)(3)-1. In addition, if the methods of operation of such an organization are educational, it will qualify for exemption under section 501(c)(3) as a "charitable and educational" organization.

(ii) *Examples.* Important examples of social welfare organizations are organizations designed to lessen neighborhood tensions; to eliminate prejudice and discrimination; to defend human and civil rights secured by law; and to combat community deterioration and juvenile delinquency. The fact that an organization, in carrying out its primary purpose, advocates social or civic changes or presents opinion on controversial questions with the intention of molding public opinion or creating public sentiment to an acceptance of its views does not preclude such organization from qualifying under section 501(c)(3). If, however, such an organization is also an "action" organization of any one of the types described in paragraph (c)(3) of § 1.501(c)(3)-1, it will not qualify under section 501(c)(3). It may, how-

ever, qualify under section 501(c) (4) if it is an "action" organization described in paragraph (c) (3) (ii) or (iv) of § 1.501(c) (3)-1, and if it otherwise qualifies under this section.

(iii) *Political or social activities.* The promotion of social welfare does not include direct or indirect participation or intervention in political campaigns on behalf of or in opposition to any candidate for public office. Nor is an organization operated primarily for the promotion of social welfare if its primary activity is operating a social club for the benefit, pleasure, or recreation of its members, or is carrying on a business with the general public in a manner similar to organizations which are operated for profit. See, however, section 501(c) (6) and § 1.501(c) (6)-1, relating to business leagues and similar organizations.

(b) *Local associations of employees.* Local associations of employees described in section 501(c) (4) are expressly entitled to exemption under section 501(a). As conditions to exemption, it is required (1) that the membership of such an association be limited to the employees of a designated person or persons in a particular municipality, and (2) that the net earnings of the association be devoted exclusively to charitable, educational, or recreational purposes. The word "local" is defined in paragraph (b) of § 1.501(c) (12)-1. See paragraph (d) (2) and (3) of § 1.501(c) (3)-1 with reference to the meaning of "charitable" and "educational" as used in this section.

REGULATIONS ON PROCEDURE AND ADMINISTRATION

§ 301.6104-1 [Amendment]

PAR 3. Paragraph (b) (1) (ii) of § 301.6104-1 is amended by adding the following new subdivision at the end thereof:

(f) With respect to an organization which is described in section 501(c) (3) and which files its application for exemption after _____, 1959, the application for exemption shall, in addition to the statements and documents required to be submitted by the form, include a detailed statement of the proposed activities of such organization.

[F.R. Doc. 59-1676; Filed, Feb. 25, 1959; 8:54 a.m.]

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

[7 CFR Part 936]

FRESH BARTLETT PEARS, PLUMS, AND ELBERTA PEACHES GROWN IN CALIFORNIA

Findings and Determinations With Respect to Continuation in Effect of Amended Marketing Agreement and Order

Pursuant to the applicable provisions of Marketing Agreement No. 85, as amended, and Order No. 36, as amended (7 CFR Part 936), and the applicable

provisions of the Agricultural Marketing Agreement Act of 1937, as amended (48 Stat. 31, as amended; 7 U.S.C. 601 et seq.), notice was given in the FEDERAL REGISTER on December 20, 1958 (23 F.R. 9841), that a referendum would be conducted among the growers who, during the marketing season beginning on March 1, 1958 (which period was determined to be a representative period for the purpose of such referendum), had been engaged, in the State of California, in the production of fruit covered by said amended marketing agreement and order (as the term "Fruit" is therein defined) for shipment in fresh form to determine whether the producers of a particular fruit favor the termination of the amended marketing agreement and order as to such fruit.

Upon the basis of the results of the aforesaid referendum, which was conducted during the period January 19 to 31, 1959, both dates inclusive, it is hereby found and determined that the termination of the said marketing agreement and order, with respect to any of the fruits covered thereby, is not favored by the requisite majority of such growers.

Dated: February 20, 1959.

[SEAL] CLARENCE L. MILLER,
Assistant Secretary.

[F.R. Doc. 59-1677; Filed, Feb. 25, 1959; 8:54 a.m.]

CIVIL AERONAUTICS BOARD

[14 CFR Part 244]

[Economic Regs.; Draft Release No. 107]

FILING OF REPORTS BY AIR FREIGHT FORWARDERS, INTERNATIONAL AIR FREIGHT FORWARDERS AND CO-OPERATIVE SHIPPERS ASSOCIATIONS

Notice of Proposed Rule Making

FEBRUARY 19, 1959.

Notice is hereby given that the Civil Aeronautics Board has under consideration a proposed amendment of Part 244 of the Economic Regulations (14 CFR Part 244). The proposed amendment would require air freight forwarders and international air freight forwarders to submit various financial and operating statistics on forms to be fully prescribed by the Board.

The principal features of the amendment are explained in the attached Explanatory Statement.

The proposed amendment of Part 244 is set forth in the attached Proposed Rule. This regulation is proposed under authority of sections 204(a) and 407 of the Federal Aviation Act of 1958, as amended (72 Stat. 743, 766; 49 U.S.C. 1324, 1377).

Interested persons may participate in the proposed rule making through submission of written data, views or arguments pertaining thereto in quadruplicate, addressed to the Secretary, Civil Aeronautics Board, Washington 25, D.C. All relevant matter in communications received on or before March 27, 1959, will

be considered by the Board before taking final action on the proposed rule. Copies of such communications will be available on or after April 1, 1959, for examination by interested persons in the Docket Section of the Board, Room 711, Universal Building, 1825 Connecticut Avenue NW., Washington, D.C.

By the Civil Aeronautics Board.

[SEAL] MABEL MCCART,
Acting Secretary.

EXPLANATORY STATEMENT

Experience indicates that the Board has not been receiving adequate information concerning the revenues and expenses and the number and tonnage of shipments handled by air freight forwarders and international air freight forwarders. Consequently, the Board proposes to amend Part 244, as revised effective March 27, 1959, by requiring the submission of additional data on forms to be fully prescribed in detail rather than designated by general rule as at present.

With respect to the reporting of revenues and expenses, the "Statement of Profit and Loss" required under the present regulation would be amended so as specifically to include a separate itemization for forwarder and non-forwarder activities and a breakdown between air transportation and accessorial services.

Shipment statistics are presently reported on two schedules entitled respectively "Operating Statistics" and "Station Data." The former would be amended under this proposal to call for the number and weight of shipments with a detailed breakdown as to joint loading and charter operations. Furthermore, this proposed form would also require a separation of statistics as between forwarder and agency activities of the reporting carrier. The latter schedule, entitled "Station Data," would be amended to specifically require the reporting by individual stations of the number and tonnage of consignments to direct air carriers in common carriage and the number of shipments received from shippers which are included in such consignments. In addition, a new schedule would be provided entitled "Origin-Destination Sample of Forwarder Shipments" which would require a sample reporting of origin and destination of those consignments to direct air carriers reflected in the schedule for "Station Data."

PROPOSED RULE

It is proposed to amend Part 244 of the Economic Regulations (14 CFR Part 244), as revised effective March 27, 1959, by (1) deleting § 244.2 and substituting the provision set forth below and (2) amending the Report of Financial and Operating Statistics for Air Freight Forwarders and International Air Freight Forwarders (CAB Form 244) by including detailed forms for four schedules entitled "Statement of Profit and Loss" (Schedule P), "Operating Statistics" (Schedule T-1), "Station Data" (Schedule T-2), and "Origin-Destination Sample of Forwarder Shipments" (Schedule T-3), all as hereinafter set forth:

§ 244.2 -Financial and operating reports by air freight forwarders and international air freight forwarders.

All persons holding authority as an air freight forwarder or international air freight forwarder shall periodically prepare and file certain financial and operating reports, as hereinafter specified, whether or not such persons are actively engaged in air freight forwarding operations. Each freight forwarder shall prepare CAB Form 244¹ entitled "Financial and Operating Report for Air Freight Forwarders and International Air Freight Forwarders," in accordance with the requirements of this part and the instructions set forth in such form. Schedule B Balance Sheet shall be prepared as of June 30 and December 31 of each year. Schedule P Statement of Profit and Loss, T-1 Operating Statistics, T-2 Station Data, and T-3 Origin-Destination Sample of Forwarder Shipments, shall be prepared for each semi-annual period ending successively on June 30 and December 31 in each year. Schedules G-1 General Officers and Directors; List of Stockholders, and G-2 Corporate and Securities Data; Investments in Other Companies, shall be prepared for each year ending December 31. Every schedule above mentioned shall be filed so as to be received by the Board within 45 days after its applicable terminal date.

[F.R. Doc. 59-1664; Filed, Feb. 25, 1959; 8:52 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[47 CFR Part 3]

[Docket No. 12778; FCC 59-134]

TELEVISION BROADCAST STATIONS

Panama City, Fla.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration a petition filed on July 3, 1958, by the Florida Educational Television Commission, requesting an amendment of § 3.606 of the Table of Assignments, Television Broadcast Stations, so as to reserve Channel 13, Panama City, Florida, for non-commercial educational use, and to change the classification of Channel 30 at Panama City from educational to commercial, as follows:

City	Channel No.	
	Present	Proposed
Panama City, Fla.....	7+, 13, *30, 36+	7+, *13, 30, 36+

The Commission also has before it for consideration that part of a petition for rule making filed on November 3, 1958, by the Joint Council on Educational Television (JCET), which supports petitioner and requests the same amend-

¹ Filed as part of original document, copies of which may be obtained from the Publications Section, Civil Aeronautics Board, Washington 25, D.C.

ments to the television Table of Assignments for Panama City, Florida. In support of its petition, the Florida Educational Television Commission contends, in an unanimously adopted Resolution, that the Commission recognized the need of the Panama City area for a non-commercial, educational television channel by reserving Channel 30 in that area for such purpose; that in its Report and Order of February 26, 1958 (Docket No. 12251), the Commission assigned Channel 13 to Panama City in response to a petition by WKRG-TV, Inc., licensee of Television Station WKRG-TV in Mobile, Alabama, which had stated in its petition that there were virtually no UHF receivers in the Panama City area and that it was unlikely that any UHF station would be constructed there in the near future; that no application for a construction permit for the utilization of Channel 13 had been filed since the above-described Report and Order; that Panama City is the site of Gulf Coast Community Junior College, one of the public tax-supported institutions which the Florida Educational Television Commission is directed by Florida law to interconnect in a state-wide educational television network for the instruction of students at existing and future colleges and universities; that there is increasing public interest in the area in the possibility of organizing a non-profit community corporation for the purpose of applying for a construction permit to operate an educational station; and that a VHF channel would provide better and broader service to this entire area.

3. An opposition to this petition was filed on August 4, 1958, by WKRG-TV, Inc., licensee of television station WKRG-TV in Mobile, Alabama, and prospective applicant for Channel 13, Panama City, Florida, alleging that the Florida Educational Television Commission had full opportunity to request the reservation of Channel 13 for noncommercial educational use in the rule making proceeding in Docket No. 12251, above referred to, and that it would be burdensome to reopen the Channel 13 allocation proceeding such a short time after its determination; that WKRG-TV, Inc., is preparing and will shortly file an application for Channel 13, but has been delayed due to difficulties in finding an acceptable transmitter site which meets television coverage and airspace requirements; that in view of the fact that Channel 11 is assigned to Tallahassee, Florida (some 80 miles from Panama City), for noncommercial educational use, the public interest in the Tallahassee-Panama City area (Channels 7 and 13, Panama City and *11 Tallahassee) would be better served by having two VHF channels assigned for commercial use and one for non-commercial educational use, as now provided, than by two for noncommercial use and one for commercial use, as petitioner proposes. WKRG-TV, Inc., further suggests that the preferable procedure to be followed would be to permit the petitioner to file an application requesting permission to use Channel 13 for educational purposes, thereby permitting consideration of all applicants' proposals, both

commercial and noncommercial, on their comparative merits.

4. The Commission is of the view that rule making proceedings should be instituted on petitioners' proposal (and that part of JCET's petition which concerns itself with Channel 13 in Panama City, Florida) in order that interested parties may submit their views and relevant data. Authority for the adoption of the proposed amendment is contained in sections 4(i), 301, 303 (c), (d), (f), and (r) and 307(b) of the Communications Act of 1934, as amended.

5. Any interested party who is of the opinion that the proposed amendment should not be adopted, or should not be adopted in the form set forth herein, may file with the Commission on or before March 25, 1959, a written statement or brief setting forth his comments. Comments in support of the proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

6. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: February 18, 1959.

Released: February 20, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1669; Filed, Feb. 25, 1959; 8:53 a.m.]

[47 CFR Part 3]

[Docket No. 12779; FCC 59-135]

TELEVISION BROADCAST STATIONS

Wilmington, Del., and Atlantic City, N.J.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration the following related pleadings relative to the institution of rule making to amend § 3.606, Table of Assignments, Television Broadcast Stations: (a) Petition filed on September 12, 1958, by the Joint Council on Educational Television (JCET) requesting the reservation of Channel 12 at Wilmington, Delaware, for noncommercial educational use, together with comments in support thereof;¹ (b) Petition filed on

¹ A request for an extension of time in which to file comments, filed by Metropolitan Philadelphia Educational Radio & Television Corporation, licensee of station WHYY-TV on Channel 35 in Philadelphia, was granted by the Commission (Mimeo. No. 64791, released October 17, 1958). Comments in support of JCET's petition have been filed by the Franklin Institute Squadron 1061,

January 6, 1959, by Neptune Broadcasting Corporation, permittee of UHF Station WHTO-TV (formerly WFPG-TV), Atlantic City, New Jersey, requesting deletion of Channel 12 from Wilmington and its reassignment to Atlantic City, supplemented by a further pleading filed on February 4, 1959, requesting in the alternative the assignment of Channel 12 to Atlantic City-Wilmington; (c) oppositions to each of the above described petitions for rule making, filed on September 29, 1958, January 20, 1959 and February 6, 1959, respectively, by Rollins Broadcasting, Inc., an applicant for Channel 12 at Wilmington;² and a reply

Civil Air Patrol; the Board of Public Education School District of Philadelphia; the Philadelphia Home and School Council; the University of Pennsylvania; Glassboro State College of Glassboro, New Jersey; Philadelphia Chapter No. 15 of the American Society of Tool Engineers; the Museum Council of Philadelphia; the Philadelphia Branch of the American Association of University Women; the Historical Society of Pennsylvania; the Moore Institute of Art, Science and Industry; the Committee on Education, of the Philadelphia Yearly Meeting of Friends; Pennsylvania Military College; Friends' Select School of Philadelphia; the Philadelphia Association for Health, Physical Education and Recreation; the Business and Professional Woman's Club of Philadelphia; and the Educational Television Council (a non-profit, citizen sponsored organization whose membership consists of some 500 individuals and organizations in the Greater Philadelphia-South Jersey-Wilmington area) which includes some 185 statements by various educational, cultural and civic agencies and institutions in the 20 county area served by Channel 12.

In addition, letters supporting the JCET proposal have been received from Congressman Harris B. McDowell, Jr.; the Delaware Valley Council; the Philadelphia Museum of Art; the Superintendent of the Coatesville, Pennsylvania, Public Schools; the Wilmington Area Girl Scout Council; the Newark Delaware Branch of the AAUW; Harcum Junior College; the Board of Education of Cecil County, Maryland; Delaware Educational Television Association, Inc.; the Greater Philadelphia Council of Churches; the Philadelphia Tuberculosis and Health Association; the Principal of the School District of Bensalem Township, Pennsylvania; the Principal of the School District of Rockledge, Pennsylvania; the Hatfield Joint Consolidated Schools; the Lutheran Theological Seminary of Philadelphia; the Free Library of Philadelphia; the Alumni Association of Temple University; the Sewell, New Jersey, School Association; the Principal of the Public Schools of Delanco, New Jersey; the Principal of the Perkiomen Joint School System; the Philadelphia Museum School of Art; the Print Club of Philadelphia; the Palmyra, New Jersey, Public Schools; the Philadelphia Section of the American Chemical Society; the YWCA of Philadelphia; Swarthmore College; the Crime Prevention Association of Philadelphia; LaSalle College; the Gloucester County Branch of the AAUW; Abington Friends School; the Archdiocesan Superintendent of Schools for the Archdiocese of Philadelphia; the Woodbury, New Jersey, Symphony Orchestra Association; the New Jersey State Division of the AAUW; the Pennsylvania Academy of Fine Arts; the PTA of J. Mason Tomlin School, Mantua, New Jersey; the New Jersey Association for Retarded Children, Gloucester County Unit; the Philadelphia Chapter of the Society for Advancement of Management; and the Valley Forge Branch of the AAUW.

² On February 10, 1959, another application for Channel 12 in Wilmington was

to Rollins' February 6 opposition filed by Neptune on February 13, 1959.

3. The JCET, a representative body composed of ten national educational organizations representing all segments of American education, contends that Channel 12 in Wilmington should be reserved for noncommercial educational use. The arguments on which this contention is based, set forth in the JCET petition and in the supporting comments, are that there are no VHF channels reserved for noncommercial educational use in that part of the United States between Boston, Massachusetts, Pittsburgh, Pennsylvania and Chapel Hill, North Carolina; that therefore in the large and heavily populated area, including the New York-Northern New Jersey metropolitan area, Philadelphia, Trenton, Camden, Wilmington, Baltimore and Washington, there is only one educational television station in operation, WHYY-TV at Philadelphia, operated by the Metropolitan Educational Radio and Television Corporation on UHF Channel 35; that any other educational station attempting to operate on a UHF channel would also face enormous difficulties in operating in an area so heavily saturated with VHF-only service and receivers; and that because of the limited geographic coverage on UHF Channel 35 and the lack of UHF receivers in the Philadelphia-Camden-Wilmington metropolitan area, Station WHYY-TV cannot render the sort of regional public service which would be possible with a VHF educational station on Channel 12 which would serve the general public and the school systems in Wilmington, Philadelphia, Trenton, Camden, and the entire southern rural area of New Jersey. In this connection, it is noted that although the Philadelphia Home and School Council, representing 224 local parent-teacher associations, totaling 200,000 members, supported educational Station WHYY-TV on Channel 35 to the extent of purchasing radios and TV (UHF) receivers for the schools (a \$250,000 investment to date) and although the Philadelphia Board of Education contributed in 1958 \$130,000 towards the operating expenses of the station and the City of Philadelphia contributed \$100,000, efforts to secure contributions from many organizations met with failure only because the station must operate in the UHF band.

4. It is further contended that the only portions of the 20-county area served by Station WHYY-TV, in which there is any significant conversion of home receivers are those of Allentown and Lebanon, Pennsylvania, and the Atlantic City area of New Jersey, which are beyond the effective range of Station WHYY-TV in Philadelphia; that for much of Delaware and the more remote counties of Pennsylvania and New Jersey a VHF channel is the only access to the cultural and educational resources of a metropolitan center like Philadelphia, whereas the entire area is already adequately served by three commercial VHF stations in Philadelphia (Channels

3, 6 and 10) giving complete network coverage (ABC, CBS, NBC), and a portion of the area is served by Channel 8 in Lancaster, Pennsylvania and some portions of New Jersey and Pennsylvania can receive commercial VHF stations broadcasting from New York City. In this connection, it is claimed that, in an area where per capita ownership of VHF receivers is among the highest in the country, a single UHF educational station will never reach a fraction of the potential listeners, despite the interest of many in education and cultural matters; that although time has been made available for educational programs through the generosity of the commercial VHF stations, the economics of commercial broadcasting inherently limit the possibilities for educational programming, and through the years the pressures of network programming have gradually reduced the time made available so that WFIL-TV (Channel 6) is the only Philadelphia station which has continued its donation of 14 minutes per week day for in-school use. It is also noted that the 20-county area served by Channel 12 in Wilmington includes three states with an estimated population in excess of 6 million, a total school enrollment of approximately 1 million, and 67 institutions of higher learning legally authorized to grant degrees, and that current statistics envisage a total population in excess of 8 million by 1980; that even if present plans for increasing educational facilities materialize there will, by 1975, be an acute shortage of places at all academic levels, and an acute shortage of teachers; that unless the quality of higher education is to be seriously impaired, it would seem imperative that ways be found to make existing teachers available to more students; and that past experience in such cities as Chicago, for example, indicates that educational television can make a valuable contribution towards solving this problem, in making some of the finest teachers available to more classrooms, not only for the edification of students but also as in-service training for less experienced teachers. It is further urged that at least as important as meeting the crisis in education will be television's role as a medium which can reach every home with programming that will instruct and enlighten the general public, on which depends, in the last analysis, the ability of the country to protect and expand our democratic system.

5. Neptune Broadcasting Corporation, permittee of UHF Station WHTO-TV at Atlantic City, New Jersey (operation suspended in May 1954 after 1½ years of service), contends that Channel 12 in Wilmington should be shifted to Atlantic City because, despite alert and experienced management, great sums of investment, and unflinching devotion, it was not possible to establish a successful station in the UHF band at Atlantic City, due to the proximity of multiple high powered VHF stations in New York and Philadelphia. It further is argued that considering the size and importance of New Jersey, which ranks 8th in population among all the States, it is inequitable that there is no television station operat-

filed by Richard Goodman, Mason A. Loundy, Egmont Sonderling, and George T. HERNREICH, a partnership.

ing in the State, since television Station WNAT-TV, technically authorized for Newark, New Jersey, operates from the Empire State Building in New York City. It is also maintained that the Commission's reason for its original assignment of Channel 12 to Wilmington (to provide a substitute channel for WDEL-TV, which prior to the television freeze had been operating on VHF Channel 7 at Wilmington) despite the fact that this assignment involved substandard separations, no longer exists, and the Commission can now, by providing a first VHF channel and a first TV station to Atlantic City and to New Jersey, correct a glaring violation of its own mileage separation requirements. Petitioner also states that it has maintained its original transmitter building, tower and other physical facilities at Atlantic City which it would convert to operation on VHF Channel 12 immediately upon Commission authorization therefor.

6. In its oppositions, Rollins Broadcasting, Inc., applicant for Channel 12 at Wilmington, submits that the granting of either of the proposals set out in the two requests for rule making would deprive Wilmington and the State of Delaware of the only VHF channel assigned to that city and to the State; that due to the proximity of Philadelphia and its three VHF stations, no UHF assignment in Delaware is likely to be activated; that without Channel 12 Wilmington will have no local TV service (even though admittedly the previous licensee placed considerable emphasis on service to Philadelphia); that Rollins, owning two radio stations in Delaware, is especially qualified to serve the needs and interests of the people in Wilmington and throughout Delaware; that JCET's proposal would do little more than duplicate educational services now being rendered by WHYY-TV in Philadelphia; that reserving Channel 12 as an educational channel would be contrary to the Commission's policy of promoting commercial competition among stations, since no Delaware station could compete if it had to operate in the UHF and there are no other VHF assignments in Delaware; that establishing an educational reservation forecloses a determination on the merits of two applications as between educational and commercial service; and that no justification exists for departing from earlier Commission decisions (In re Weston, West Virginia) that an educational reservation will not be established except where there are at least three VHF channels available for assignment.

7. With respect to Neptune's petition, Rollins points out that Channel 12 has been maintained in Wilmington because the Commission has found it to be a vital assignment; that Wilmington is the 73d* ranking metropolitan area in the United States; that comparatively, Wilmington has a greater need for the channel than does Atlantic City, with approximately half of Wilmington's population and half of the urban area; that Channel 12 is Delaware's only VHF

assignment, whereas New Jersey in fact has one VHF assignment (WNTA-TV on Channel 13), assigned to Newark, even if it operates from the Empire State Building in New York City, and further, that the assignment of Channel 12 to Wilmington does not contravene the minimum separation requirements, since a transmitter site is available for a Wilmington Channel 12 assignment which will meet those requirements.

8. Neptune's reply to Rollins' opposition included a supplement to its petition for rule making. It requests that the Commission also consider an alternative proposal, e.g. the assignment of Channel 12 to Wilmington, Delaware-Atlantic City, New Jersey. In support of this proposal petitioner states that in cases where a decision could not be reached in a rule making proceeding, the Commission has hyphenated the cities involved and has deferred decision to an adjudicatory proceeding. In its opposition to this alternative proposal, Rollins maintains that its only effect would be to treat the matter as one of adjudication rather than as rule making; that the instant situation is not typical of the "unusual" cases in which the Commission has resorted to hyphenated assignments; and that Neptune's request that the Commission consider its alternative proposal should be denied.

9. The Commission is of the view that rule making proceedings should be instituted on both the petition and supplemental petition of Neptune Broadcasting Corporation and on the JCET petition in order that all interested parties may submit their views and relevant data. We are, therefore, rejecting the requests for denial contained in the oppositions filed by Rollins Broadcasting, Inc.

10. Authority for the adoption of the amendments proposed by petitioners is contained in section 4(i), 301, 303 (c), (d), (f) and (r) and 307(b) of the Communications Act of 1934, as amended.

11. Any interested party who is of the opinion that a proposed amendment should not be adopted, or should not be adopted in any form set forth herein, may file with the Commission on or before March 25, 1959, a written statement or brief setting forth his comments. Comments in support of any proposed amendment may also be filed on or before the same date. Comments or briefs in reply to the original comments may be filed within 10 days from the last day for filing said original comments. No additional comments may be filed unless (1) specifically requested by the Commission or (2) good cause for the filing of such additional comments is established.

12. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs or comments shall be furnished the Commission.

Adopted: February 18, 1959.

Released: February 20, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1670; Filed, Feb. 25, 1959;
8:53 a.m.]

[47 CFR Part 12]

[Docket No. 12780; FCC 59-139]

RADIOTELEPHONY BETWEEN CERTAIN FREQUENCIES

Notice of Proposed Rule Making

In the matter of amendment of § 12.111(d) of Part 12 of the Commission's rules to permit radiotelephony between the frequencies 14,200 kc and 14,350 kc.

1. Notice is hereby given of proposed rule making in the above-entitled matter.

2. The Commission has before it for consideration an amended petition filed by The American Radio Relay League, Inc., 38 La Salle Road, West Hartford, Connecticut, requesting amendment of § 12.111(d) to allow radiotelephony operations (A3 emission) on the frequencies between 14,200 kc and 14,350 kc, rather than on the frequencies 14,200 and 14,300 kc as presently allowed. In an earlier petition, The League asked that such operations be restricted to holders of an Advanced or Extra Class license. However, the amended request does not contain this limitation. In other words, the effect of this requested amendment would be to widen the permissible limits for A3 emission by 50 kc.

3. The League points out that in 1954 the Commission, when faced with an identical request to permit radiotelephony between the frequencies 14,200 kc to 14,350 kc, dismissed the proposed amendment. At that time, the Commission in Docket number 10927, In the Matter of Petitions of the American Radio Relay League for Amendment of Part 12, Rules Governing Amateur Radio Service stated: "In view of the fact that the effect of the availability of the 21 Mc amateur frequency band upon congestion in the 14 and 28 Mc bands cannot be assessed until sometime in the future when propagation conditions are such as to encourage increased activity in the 21 and 28 Mc bands, the Commission believes it to be in the best interest of the Amateur Radio Service to defer further consideration of expansion of the 14 and 28 Mc sub-bands for telephony."

4. In support of its petition, the League states that although optimum conditions operation in the 21 Mc telephony sub-band have not been reached, "there are openings almost daily for long-distance communications at the 21 Mc frequency. During these regular occurrences, the 21 Mc telephony sub-band is also extremely crowded. But not the slightest decrease in congestion of the 14 Mc radiotelephony sub-band has been noticed. With even better propagation conditions yet to come, it is already obvious that use of the 21 Mc band is no answer to crowding in the 14 Mc band."

5. The petitioner further states that since 1954 when the 21 Mc band became available, the number of amateur licensees has increased by approximately one-third. Since all indications point to a continuation of this rate of growth, the problem of crowding will become more serious. In addition to the contemplated larger number of licensees, the League avers that "the trend to voice

* According to 1950 U.S. Census Wilmington, Delaware is the 70th ranking metropolitan area in the United States.

operation in recent years has resulted in a condition of overcrowding to an extreme unusual even in amateur experience." It would appear that this mode of operation will correspondingly increase in the future thus creating a need for relief to lessen the ever-growing radiotelephony congestion in the 14 Mc band.

6. The Commission is persuaded that the facts stated by petitioner in support of the requested amendment, warrant re-examination of the conclusions rendered in Docket number 10927.

7. In view of the foregoing, the Commission is on this date issuing a Notice of Proposed Rule Making to amend § 12.111(d) in accord with this petition by permitting radiotelephony operation on the frequencies between 14,200 kc and 14,350 kc rather than the present 14,200-14,300 kc limit.

8. The authority for the amendment proposed herein is contained in sections 4(i) and 303(l) of the Communications Act of 1934, as amended.

9. Any interested person who is of the opinion that the proposed amendment should not be adopted or should not be adopted in the form set forth herein, and any person desiring to support this proposal, may file with the Commission on or before May 1, 1959, a written statement or brief setting forth his comments. Replies to such com-

ments may be filed within ten days from the last date for filing original comments. No additional comments may be filed unless (1) specifically requested by the Commission, or (2) good cause for the filing thereof is established. The Commission will consider all such comments prior to taking final action in this matter, and if comments are submitted warranting oral argument, notice of the time and place of such oral argument will be given.

10. In accordance with the provisions of § 1.54 of the Commission's rules and regulations, an original and 14 copies of all statements, briefs, or comments filed shall be furnished the Commission.

Adopted: February 18, 1959.

Released: February 20, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

Amend § 12.111(d) to read as follows:

(d) 14,000 to 14,350 kc using type A1 emission, 14,000 to 14,200 kc and 14,300 to 14,350 kc using type F1 emission and on frequencies 14,200 to 14,350 kc type A3 emission or narrow band frequency or phase modulation for radiotelephony.

[F.R. Doc. 59-1671; Filed, Feb. 25, 1959; 8:53 a.m.]

dispose of byproduct, source, and special nuclear material.

This license shall be deemed to contain the conditions specified in section 183 of the Atomic Energy Act of 1954, as amended, and is subject to the provisions of 10 CFR Part 20, "Standards for Protection Against Radiation", all other applicable rules, regulations, orders of the Atomic Energy Commission now or hereafter in effect, and to the following conditions:

1. The licensee shall not possess more than 100 curies of byproduct material at any one time.

2. The licensee shall not receive possession of more than 200 pounds of source material and 100 grams of special nuclear material during the term of this license.

3. Byproduct, source and special nuclear material shall be received, packaged, and disposed of by, or under the direct supervision of, L. B. Silverman or George Borg.

4. The licensee shall receive, package, possess and dispose of the byproduct, source and special nuclear material in accordance with the procedures described in the application, except as provided otherwise in this license.

5. A copy of "Radiological Safety Rules and Regulations" as described in the licensee's application dated September 5, 1958, shall be supplied to each employee of the licensee involved in the receipt, packaging and disposal of byproduct, source and special nuclear material.

6. The transportation of AEC-licensed material to and from the location designated in Condition 7 shall be subject to the applicable regulations of the Interstate Commerce Commission, United States Coast Guard and other agencies of the United States having appropriate jurisdiction, and where such regulations are not applicable shall be in accordance with the following requirements except as specifically provided by the Atomic Energy Commission:

A. *Outside shipping containers.* (1). The containers shall meet any one of the following specifications described in Appendix A:

a. 15A, 15B, 12B, 6A, 6B, 6C, 17C, 17H, 19A, or 19B for the containment of radioactivity in amounts not in excess of 2.7 curies; except polonium, 2 curies; or

b. Specification 55 for containment of solid cobalt 60, cesium 137, iridium 192, or gold 198 in amounts not in excess of 300 curies.

(2) There shall be no radioactive contamination on any exterior surface of the container in excess of 500 d/m/100 sq. cm. alpha and 0.1 mrem/hr beta-gamma radiation.

(3) The smallest dimension of the container shall not be less than 4 inches.

(4) The radiation level at any accessible surface of the container shall not exceed 200 mrem/hr.

(5) At one meter from any point on the radioactive source the radiation level shall not exceed 10 mrem/hr.

(6) Containers which contain radioactive material emitting only alpha and/or beta radiation shall contain sufficient shielding to prevent the escape of primary corpuscular radiation to the exterior surface and to reduce the secondary radiation at the surface of the container to at least 10 mrem/24 hours at any time during transportation.

B. *Inside containers.* (1) Solid and gaseous radioactive materials shall be packed in suitable inside containers designed to prevent rupture and leakage under conditions incident to transportation.

(2) Liquid radioactive materials must be packed in sealed glass, earthenware, or other suitable containers. The container must be surrounded on all sides by an absorbent material sufficient to absorb the entire liquid contents and be of such nature that its efficiency will not be impaired by chemical reactions with the contents. Where shielding is required the absorbent material must be placed within the shield. If the inside container meets the Specification 2R in

NOTICES

ATOMIC ENERGY COMMISSION

[Docket No. 27-13]

COASTWISE MARINE DISPOSAL CO.

Notice of Proposed Issuance of Byproduct, Source and Special Nuclear Material License to Provide Radioactive Waste Disposal Service

Please take notice that the Atomic Energy Commission proposes to issue a Byproduct, Source and Special Nuclear Material License to Coastwise Marine Disposal Company, 5216 South Van Ness, Los Angeles, California substantially in the following form, authorizing the disposal of waste byproduct, source and special nuclear material in the Pacific Ocean at a minimum depth of 1000 fathoms unless within fifteen (15) days after filing of this notice with the Federal Register Division a motion of intervention and a request for a formal hearing is filed with the Commission in the manner prescribed by Title 10, Code of Federal Regulations, Chapter 1, Part 2, "Rules of Practice". There is also set forth below a memorandum submitted by the Division of Licensing and Regulation which summarizes the principal factors considered in reviewing the application for a license.

For further details see (1) the application submitted by Coastwise Marine Disposal Company and amendments thereto and (2) a copy of Appendix A to the proposed license which contains

transportation container specifications substantially similar to those contained in Title 49, Code of Federal Regulations, Part 78, referenced to in Condition No. 6 of the license, both on file at the Commission's Public Document Room, 1717 H Street NW., Washington, D.C. A copy of (2) above may be obtained at the Commission's Public Document Room or by request addressed to the Atomic Energy Commission, Washington 25, D.C., Attention: Director, Division of Licensing and Regulation.

Dated at Germantown, Md., this 19th day of February 1959.

For the Atomic Energy Commission.

H. L. PRICE,
Director, Division of
Licensing and Regulation.

[Docket No. 27-13]

[License No. 4-4730-1 (B61)]

COASTWISE MARINE DISPOSAL CO.

PROPOSED BYPRODUCT, SOURCE, AND SPECIAL NUCLEAR MATERIAL LICENSE

Pursuant to the Atomic Energy Act of 1954, as amended, and 10 CFR Part 30, "Licensing of Byproduct Material", 10 CFR Part 40, "Control of Source Material", and 10 CFR Part 70, "Special Nuclear Material", and in reliance upon the statements and representations contained in the application dated September 5, 1958, and the amendment thereto dated November 23, 1958, both hereinafter referred to as "the application", a license is hereby issued to Coastwise Marine Disposal Company, 5216 South Van Ness, Los Angeles, California, to receive, possess, package, and

Appendix A the absorbent material is not required.

(3) Materials containing radioisotopes of plutonium, americium, polonium, or curium, or the isotope strontium 90, in quantities in excess of 100 microcuries, must be packed in containers which meet Specification 2R in Appendix A.

C. *Shielding.* Inside containers must be completely surrounded with sufficient shielding to meet the requirements of subparagraphs A(4), A(5), and A(6) of this condition. The shield must be so designed that it will not open or break under normal conditions incident to transportation.

D. *Labeling.* Each outside container label required under § 20.203(f) of 10 CFR Part 20 shall bear the following information:

(1) Total activity in millicuries, or in the case of source and special nuclear material, the total weight;

(2) Principal radioisotope;

(3) Radiation level at the surface of the container and at one meter from the source; and

(4) The name and address of the licensee. E. Each vehicle in which licensed material is transported shall be marked or placarded on each side and the rear with lettering at least 3 inches high as follows: "Dangerous—Radioactive Material".

F. *Accidents.* In the event of an accident involving any vehicle transporting licensed material, immediate steps shall be taken to prevent radiation exposure of persons and to control contamination.

G. *Exemptions.* Specific approval must be obtained from the Atomic Energy Commission for modification of, or exemption from, the requirements of the license condition. Requests for such approval should be directed to the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, and should contain sufficient information to support such a request.

7. The licensee shall only store and package byproduct, source and special nuclear material for sea disposal at 2100 West 15th Street, Long Beach, California, as described in the licensee's application.

8. The licensee shall dispose of byproduct, source and special nuclear material in the Pacific Ocean at a minimum depth of 1,000 fathoms at the location specified in the application.

9. Packaged radioactive waste containing special nuclear material shall be transported only aboard vessels of American registry.

10. The licensee shall notify the Chief, Isotopes Branch, Division of Licensing and Regulation, Atomic Energy Commission, at least 20 days prior to each disposal, by letter deposited in the United States mail properly stamped and addressed, of the proposed date for disposal, the total number of containers, the total activity of byproduct material in millicuries, the amount of source material in pounds, the amount of special nuclear material in grams, and the most hazardous radioisotope contained in each container.

11. Containers received or packaged by Coastwise Marine Disposal Company shall not contain more than 20 grams of special nuclear material per container.

12. Waste byproduct, source and special nuclear material shall be disposed of at sea within 21 months from the date on which the Coastwise Marine Disposal Company first takes possession of such material.

This license shall be effective on the date issued and shall expire on February 28, 1961.

Date of issuance:

For the Atomic Energy Commission.

[Docket No. 27-13]

MEMORANDUM BY THE DIVISION OF LICENSING AND REGULATION IN THE MATTER OF COASTWISE MARINE DISPOSAL COMPANY

By application dated September 5, 1958, and amendments thereto, Coastwise Marine

No. 39—4

Disposal Company, 5216 South Van Ness, Los Angeles, California, requested a license to receive, possess, package and dispose of byproduct, source and special nuclear material wastes in the Pacific Ocean.

Based on the consideration set forth in this memorandum the Atomic Energy Commission has found that:

(a) The applicant's proposed equipment, facilities and procedures are adequate to protect health and minimize danger of life or property;

(b) The applicant is qualified by training and experience to conduct the proposed waste disposal service for byproduct, source and special nuclear material in such a manner as to protect health and minimize danger to life or property;

(c) The applicant's waste disposal operation will be performed in accordance with the provisions of 10 CFR Part 20, 10 CFR Part 30, 10 CFR Part 40, 10 CFR Part 70, and other applicable Commission regulations; and

(d) The issuance of a byproduct, source and special nuclear material license to Coastwise Marine Disposal Company will not be inimical to the health and safety of the public.

Experience of personnel. Mr. L. V. Silverman and Mr. George Borg will directly supervise the receipt, packaging and disposal operations. Both Mr. Silverman and Mr. Borg have adequate training and over five years experience with radiation and radioactive materials including handling of kilocurie amounts of radioisotopes, radiation monitoring, decontamination methods, contamination control, and the principles and practices of radiation protection. Therefore, it appears that the applicant has personnel with sufficient training and experience in the handling of radioactive materials to provide assurance that the waste disposal operation will be conducted in a manner to protect the health and safety of the public and minimize the danger to life and property.

Equipment, facilities and procedures. The waste processing and storage site is located in an area which is chiefly industrial. The proposed site is approximately 91' x 121' with a building of approximately 6000 square feet. The building is of reinforced cement construction with a concrete floor. Packaging of the waste will be conducted primarily within this building in a room approximately 35' x 60' which has steel fire doors. The waste material will be packaged by the applicant's customers to meet container specifications prescribed by the Interstate Commerce Commission or Condition 6 of the proposed license. The storage area will have an area of 3000 square feet and will be enclosed by an 8' high chain link fence topped by 3' high barbed wire. The area will be under surveillance 24 hours a day. The storage and processing areas will also be locked to prevent entry of unauthorized persons. Adequate procedures have been established covering each phase of the waste disposal program. The applicant has also established adequate emergency procedures to cope with accidents. Written instructions on proper radiation protection precautions and procedures will be given to each employee involved in the waste disposal operation. Necessary equipment for packaging the waste and transporting it to the disposal site is available to the applicant.

Transportation of waste material both to and from the applicant's proposed site will be conducted in accordance with the regulations of the Interstate Commerce Commission and the U.S. Coast Guard where such regulations apply. Where these regulations do not apply, transportation will be conducted in accordance with Condition 6 of the proposed license which establishes transportation requirements substantially the same as those of the Interstate Commerce Commission regulations.

The facilities, equipment and operating procedures described by the applicant appear adequate to assure that the disposal operations will be conducted in compliance with the Commission's regulations and the conditions of the proposed license.

Containers and disposal site. The packaging of waste material received from customers for disposal in the ocean will meet the recommendations of the National Committee on Radiation Protection contained in Handbook 58, "Disposal of Radioactive Waste in the Ocean". Low level liquid wastes will be solidified with an absorbent clay material known as Bentonite inside of a 55-gallon plastic-lined steel drum. The drum will be capped with concrete. Where shielding is necessary, the container of liquid waste will be encased in concrete inside a 55-gallon steel drum. Solid waste material will be encased in concrete inside a 55-gallon steel drum. The top of every drum will be sealed with an "O" metal ring closure or will be crimped to retain the concrete cap. Each drum will be packaged so that there are no significant voids, will contain a one-way pressure relief valve, and will have a density of at least 10 pounds per gallon to assure sinking. Each drum will be labeled to indicate the company's name, the date of packaging, the most hazardous radioisotope, the level of activity, and an identification number. All drums will be checked for outside contamination and proper weight upon completion of packaging.

Disposal will be at a minimum depth of 1,000 fathoms. The disposal site proposed by the applicant is within a 5 mile radius of the intersection of the parallel of latitude 32°00' north and meridian of longitude 121°30' west. It is located beyond the continental shelf and lies approximately 130 miles southwest of Point Arguella, California. The licensee will be required to maintain a certified true copy of the ship's log to verify disposal at this site.

At least 20 days prior to each sea disposal operation the Commission will be notified of the proposed date for disposal, total number of containers, total activity of byproduct material in millicuries, total amount of source and special nuclear material, and the most hazardous radioisotope in each container.

The containers and disposal location proposed meet the recommendations of the National Committee on Radiation Protection contained in the National Bureau of Standards Handbook 58, "Radioactive Waste Disposal in the Ocean".

The sea disposal of radioactive wastes at a depth of 1,000 fathoms when packaged in accordance with the requirements of the proposed license is considered a safe method of radioactive waste disposal. These small amounts of radioactive material if released into sea water at the specified depth would be diluted and dispersed by the ocean and would not result in radioactivity of public health significance.

[F.R. Doc. 59-1623; Filed, Feb. 25, 1959; 8:45 a.m.]

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[Bureau Order 551, Amdt. 47]

REDELEGATION OF AUTHORITY

Order 551, as amended, is further amended by addition of a new section, under the heading Functions Relating to Tribal Programs, to read as follows:

SEC. 334. *Authority under the Ranceria Act* (72 Stat. 619), (P.L. 85-671, dated August 18, 1958). (a) All of the

authority contained in the act, except as provided in paragraph (b) of this section.

(b) The authority granted in paragraph (a) of this section does not include:

(1) The final disposition of objections made by Indians to plans for the distribution of assets, or the approval of such plans.

(2) The cancellation of unpaid reimbursable indebtedness owing to the United States.

(3) The revocation of constitutions and corporate charters.

(4) The issuance of patents.

(5) The issuance of additions to or amendments of the Code of Federal Regulations.

GLENN L. EMMONS,
Commissioner.

FEBRUARY 19, 1959.

[F.R. Doc. 59-1638; Filed, Feb. 25, 1959;
8:47 a.m.]

DEPARTMENT OF AGRICULTURE

Office of the Secretary

MISSISSIPPI

Designation of Area for Production Emergency Loans

For the purpose of making production emergency loans pursuant to section 2(a) of Public Law 38, 81st Congress (12 U.S.C. 1148a-2(a)), as amended, it has been determined that in Lee County, Mississippi, a production disaster has caused a need for agricultural credit not readily available from commercial banks, cooperative lending agencies, or other responsible sources.

Pursuant to the authority set forth above, production emergency loans will not be made in the above-named county after December 31, 1959, except to applicants who previously received such assistance and who can qualify under established policies and procedures.

Done at Washington, D.C., this 19th day of February 1959.

[SEAL] TRUE D. MORSE,
Acting Secretary.

[F.R. Doc. 59-1652; Filed, Feb. 25, 1959;
8:49 a.m.]

DEPARTMENT OF COMMERCE

Office of the Secretary

[Dept. Order 86, Amended; Revocation]

CIVIL AERONAUTICS ADMINIS- TRATION

Revocation of Organization and Functions

The material appearing in 23 F.R. 2361, April 10, 1958; 23 F.R. 403, January 22, 1958; 22 F.R. 4257-4258, June 15, 1957; 22 F.R. 2017-2018, March 27, 1957, and 21 F.R. 7027-7030, September 19, 1956, is hereby revoked.

The Federal Aviation Act of 1958, 72 Stat. 731, created the Federal Aviation Agency and assigned to it, among other

things, the functions and authorities formerly exercised by the Civil Aeronautics Administration. The Civil Aeronautics Administration was abolished on December 31, 1958 and since Department Order No. 86 (amended), as amended, serves no useful purpose, it is hereby revoked.

Effective date: December 31, 1958.

LEWIS L. STRAUSS,
Secretary of Commerce.

[F.R. Doc. 59-1625; Filed, Feb. 25, 1959;
8:45 a.m.]

FEDERAL COMMUNICATIONS COMMISSION

[Docket No. 12203; FCC 59M-231]

HALL BROADCASTING CO., INC.

Order Continuing Hearing

In re application of Hall Broadcasting Company, Inc., Los Angeles, California; Docket No. 12203, File No. BPH-2175; for construction permit FM Channel 274 (102.7 Mc).

The Hearing Examiner having under consideration a motion filed February 17, 1959, by the above-entitled applicant requesting that the date for the exchange of written exhibits be continued from February 23, 1959, to March 13, 1959, and that the date for the evidentiary hearing be continued from March 2, 1959, to March 26, 1959; and

It appearing that the reason for the requested continuance is the fact that counsel for the applicant is recuperating from surgery and that the additional time is required to enable him to prepare the necessary exhibits; and

It further appearing that there are no objections to the requested continuance or for the immediate consideration thereof, and good cause for the requested continuance having been shown;

It is ordered, This the 19th day of February 1959, that the motion is granted and the date for the exchange of written exhibits is continued from February 23, 1959, to March 13, 1959, and the date for the evidentiary hearing is continued from March 2, 1959, to March 26, 1959.

Released: February 19, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1672; Filed, Feb. 25, 1959;
8:53 a.m.]

[Docket No. 12755; FCC 59M-232]

QUAD CITIES BROADCASTING CO.

Order Continuing Hearing

In re application of Gilbert E. Metzger, Louis O. Mitzlaff, John R. Ax and Dennis J. Keller, d/b as Quad Cities Broadcasting Company, Brazil, Indiana; Docket No. 12755, File No. BP-11831, for construction permit.

On the Hearing Examiner's own motion: *It is ordered*, This 19th day of February 1959, that the prehearing conference in this matter now scheduled for February 27, 1959, is continued to Friday, March 6, 1959, at 10:00 o'clock a.m., in the offices of the Commission, Washington, D.C.

Released: February 19, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,
[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1673; Filed, Feb. 25, 1959;
8:53 a.m.]

[Docket No. 12,758]

SNOW CONSTRUCTION CO.

Order To Show Cause

In the matter of S. C. Snow, db/as Snow Construction Company, P.O. Box 311, Alamogordo, New Mexico; Docket No. 12,758; order to show cause why there should not be revoked the license for Special Industrial Radio Station KKR-399.

There being under consideration the matter of certain alleged violations of the Commission's rules in connection with the operation of the above-captioned station;

It appearing, that, pursuant to § 1.61 of the Commission's rules, written notice of violation of the Commission's rules was served upon the above-named licensee as follows:

Notice dated November 4, 1958, in which licensee was informed that the subject radio station had been observed on October 10, 1958, in violation of the following rules:

Section 11.108—The station records indicate the required measurements of power, frequency, and modulation are not being made at the prescribed intervals (not to exceed six months); that the last recorded measurements were, dated March 18, 1957;

Section 11.156(a)—Transmitter Identification Cards (FCC Form 452-C) were not found affixed to the transmitter or associated control equipment in the mobile units (No. 1 jeep and No. 3 Ford Ranch Wagon);

Section 11.702(a)—No means provided for receiving CONELRAD radio alerts and CONELRAD radio all clear signals.

It further appearing, that, the above-named licensee having failed to make satisfactory reply thereto, the Commission, by letter dated December 5, 1958, and sent by Certified Mail, Return Receipt Requested (No. 433475), brought this matter to the attention of the licensee and requested that such licensee respond to the Commission's letter within fifteen (15) days from the date of its receipt stating the measures which had been taken, or were being taken, in order to bring the operation of the radio station into compliance with the Commission's Rules, and warning the licensee that his failure to respond to such letter might result in the institution of proceedings for the revocation of the radio station license; and

It further appearing, that receipt of the Commission's letter was acknowledged by the signature of the licensee's agent, Mrs. S. C. Snow, on December 8, 1958, to a Post Office Department return receipt; and

It further appearing, that, although more than fifteen (15) days have elapsed since the licensee's receipt of the Commission's letter, no response thereto has been received; and

It further appearing, that, in view of the foregoing, the licensee has willfully violated § 1.61 of the Commission's rules;

It is ordered, This 18th day of February 1959, pursuant to section 312 (a) (4) and (c) of the Communications Act of 1934, as amended, and section 0.291(b) (8) of the Commission's Statement of Delegations of Authority, that the said licensee show cause why the license for the above-captioned Radio Station should not be revoked and appear and give evidence in respect thereto at a hearing to be held at a time and place to be specified by subsequent order; and

It is further ordered, That the Secretary send a copy of this Order by Certified Mail, Return Receipt Requested to the said licensee.

Released: February 19, 1959.

FEDERAL COMMUNICATIONS
COMMISSION,

[SEAL] MARY JANE MORRIS,
Secretary.

[F.R. Doc. 59-1674; Filed, Feb. 25, 1959;
8:53 a.m.]

Power Commission pursuant to section 204 of the Federal Power Act by California Electric Power Company ("Applicant"), a corporation organized under the laws of the State of Delaware and doing business in the States of California and Nevada, with its principal business office at San Bernardino, California, seeking an order authorizing the issuance of 300,000 shares of Common Stock, par value \$1 per share. Applicant proposes to issue the aforesaid shares of Common Stock on or about April 8, 1959. Said Common Stock will be issued and sold at competitive bidding. Applicant states that the proceeds from the sale of the Common Stock will be used to discharge a portion of its short-term promissory notes issued to Bank of America National Trust and Savings Association pursuant to a loan agreement dated September 16, 1958, between Applicant and Bank of America.

Any person desiring to be heard or to make any protest with reference to said application should, on or before the 9th day of March 1959, file with the Federal Power Commission, Washington 25, D.C., petitions or protests in accordance with the requirements of the Commission's rules of practice and procedure (18 CFR 1.8 or 1.10). The application is on file and available for public inspection.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-1629; Filed, Feb. 25, 1959;
8:46 a.m.]

[Docket No. G-17786]

CRESCENT OIL AND GAS CORP.

Order for Hearing, Suspending Proposed Change in Rate, and Allowing Changed Rate To Become Effective

FEBRUARY 18, 1959.

Crescent Oil and Gas Corporation (Crescent), on January 19, 1959, tendered for filing proposed changes in its presently filed rate schedule for the sale of natural gas subject to the jurisdiction of the Commission. The proposed changes, which constitute an increased rate and charge, are contained in the following designated filings:

Description: Supplementary Agreement, dated December 15, 1958. Notice of Change, dated January 15, 1959.

Purchaser: Transcontinental Gas Pipe Line Corporation.

Rate schedule designation: Supplement Nos. 4 and 5 to Crescent's FPC Gas Rate Schedule No. 3.

Effective date: February 19, 1959 (effective date is the first day after expiration of the required thirty days' notice).

In support of the renegotiated rate increase, Crescent submits the supplementary agreement which, it alleges, provides for the compression of gas. Rate Schedule No. 3 is subject to further orders of the Commission in Docket Nos. G-17661 and G-15857.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon hearings concerning the lawfulness of the said proposed changes, and that the above-designated supplements be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the proposed rate be made effective as hereinafter provided and that Crescent be required to file an undertaking as hereinafter ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rate and charge contained in the above-designated supplements.

(B) Pending such hearing and decision thereon, said supplements be and each is hereby suspended and the use thereof deferred until February 20, 1959, and thereafter until such further time as each is made effective in the manner hereinafter prescribed.

(C) The rates, charges and classifications set forth in the above-designated supplements shall be effective on February 20, 1959: *Provided, however*, That within 20 days from the date of this order, Crescent shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Crescent shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rates found by the Commission in these proceedings not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Crescent until refunded; shall bear all costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the increased rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath, to the Commission quarterly, or monthly if Crescent so elects and so notifies the Commission, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the increased rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As provided in paragraph (C) of this order, within 20 days from the date of issuance thereof, Crescent shall exe-

FEDERAL POWER COMMISSION

[Docket No. E-6864]

CALIFORNIA ELECTRIC POWER CO.

Notice of Application

FEBRUARY 18, 1959.

Take notice that on February 13, 1959, an application was filed with the Federal

Section 1.62 of the Commission's rules provides that a licensee, in order to avail himself of the opportunity to be heard, shall, in person or by his attorney, file with the Commission, within thirty (30) days of the receipt of the order to show cause, a written statement stating that he will appear at the hearing and present evidence on the matter specified in the order. If the licensee fails to file such an appearance within the time specified, the right to a hearing shall be deemed to have been waived. Where a hearing is waived, a written statement in mitigation or justification may be submitted within thirty (30) days of the receipt of the order to show cause. If such statement contains, with particularity, factual allegations denying or justifying the facts upon which the show cause order is based, the Hearing Examiner may call upon the submitting party to furnish additional information, and shall request all opposing parties to file an answer to the written statement and/or additional information. The record will then be closed and an initial decision issued on the basis of such procedure. Where a hearing is waived and no written statement has been filed within the thirty (30) days of the receipt of the order to show cause, the allegations of fact contained in the order to show cause will be deemed as correct and the sanctions specified in the order to show cause will be invoked.

cute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, signed by a responsible officer of the corporation, evidenced by proper authority from the board of directors, and accompanied by a certificate showing service of copies thereof upon all purchasers under the rate schedule involved, as follows:

Agreement and Undertaking of Crescent Oil and Gas Corporation To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Changes.

In conformity with the requirements of the order issued _____, in Docket No. G-17786, Crescent Oil and Gas Corporation hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

Attest: _____
By _____
Secretary

(F) If Crescent shall, in conformity with the terms and conditions of paragraph (D) of this order, make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplements hereby suspended nor the rate schedule sought to be altered thereby shall be changed until the proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-1630; Filed, Feb. 25, 1959;
8:46 a.m.]

[Docket No. G-17818]

PETERSEN PETROLEUM CORP.

Order for Hearing, Suspending Proposed Change in Rate, and Allowing Changed Rate To Become Effective

FEBRUARY 18, 1959.

Petersen Petroleum Corporation (Petersen), on January 19, 1959, tendered for filing a proposed change in its presently effective rate schedule¹ for the sale of natural gas subject to the jurisdiction of the Commission. The proposed change is contained in the following designated filing:

¹Rate is currently in effect subject to refund in Docket No. G-15747.

Description: Notice of Change, undated.
Purchaser: Southern Natural Gas Company.

Rate schedule designation: Supplement No. 4 to Petersen's FPS Gas Rate Schedule No. 1.

Effective date: February 19, 1959 (effective date is the first day after expiration of statutory notice).

In support of the proposed rate and charge, Petersen has interpreted the tax provisions of the afore-mentioned rate schedule to the effect that the tax reimbursement for the increase in the Louisiana severance tax will be at the same reimbursement level that Petersen received for the Louisiana gathering tax. This interpretation appears to be questionable and should be determined after hearing.

The changed rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful.

The Commission finds:

(1) It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that the above-designated supplement be suspended and the use thereof deferred as hereinafter ordered.

(2) It is necessary and proper in the public interest in carrying out the provisions of the Natural Gas Act that the proposed rate be made effective as hereinafter provided and that Petersen be required to file an undertaking as herein-after ordered and conditioned.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed rate and charge contained in Supplement No. 4 to Petersen's FPC Gas Rate Schedule No. 1.

(B) Pending such hearing and decision thereon, said supplement be and it hereby is suspended and the use thereof deferred until February 20, 1959, and thereafter until such further time as it is made effective in the manner hereinafter prescribed.

(C) The rate, charge and classification set forth in the above-designated supplement shall be effective on February 20, 1959: *Provided, however*, That within 20 days from the date of this order, Petersen shall execute and file with the Secretary of the Commission the agreement and undertaking described in paragraph (E) below.

(D) Petersen shall refund at such times and in such amounts to the persons entitled thereto, and in such manner as may be required by final order of the Commission, the portion of the increased rate found by the Commission in this proceeding not justified, together with interest thereon at the rate of six percent per annum from the date of payment to Petersen until refunded; shall bear all

costs of any such refunding; shall keep accurate accounts in detail of all amounts received by reason of the changed rate or charge allowed by this order to become effective, for each billing period, specifying by whom and in whose behalf such amounts were paid; and shall report (original and one copy), in writing and under oath, to the Commission monthly, or quarterly if Petersen so elects, for each billing period, and for each purchaser, the billing determinants of natural gas sales to such purchasers and the revenues resulting therefrom, as computed under the rate in effect immediately prior to the date upon which the changed rate allowed by this order becomes effective, and under the rate allowed by this order to become effective, together with the differences in the revenues so computed.

(E) As a condition of this order, within 20 days from the date of issuance thereof, Petersen shall execute and file in triplicate with the Secretary of this Commission its written agreement and undertaking to comply with the terms of paragraph (D) hereof, as follows:

Agreement and Undertaking of Petersen Petroleum Corporation To Comply With the Terms and Conditions of Paragraph (D) of Federal Power Commission's Order Making Effective Proposed Rate Change.

In conformity with the requirements of the order issued (date), in Docket No. G-17818, the Petersen Petroleum Corporation hereby agrees and undertakes to comply with the terms and conditions of paragraph (D) of said order, and has caused this agreement and undertaking to be executed and sealed in its name by its officers, thereupon duly authorized in accordance with the terms of the resolution of its board of directors, a certified copy of which is appended hereto this _____ day of _____.

PETERSEN PETROLEUM CORPORATION

By _____

Attest: _____

As a further condition of this order, Petersen shall file with said agreement and undertaking a certificate showing service of copies thereof upon all purchasers under the rate schedule involved. Unless Petersen is advised to the contrary within 15 days after the date of filing such agreement and undertaking, the agreement and undertaking shall be deemed to have been accepted.

(F) If Petersen shall, in conformity with the terms and conditions of paragraph (D) of this order make the refunds as may be required by order of the Commission, the undertaking shall be discharged; otherwise, it shall remain in full force and effect.

(G) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(H) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioner Hussey not participating).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-1631; Filed, Feb. 25, 1959;
8:46 a.m.]

[Docket No. G-17875]

SUPERIOR OIL CO. ET AL.

Order for Hearing and Suspending Proposed Change in Rates

FEBRUARY 18, 1959.

The Superior Oil Company et al. (Superior) on January 19, 1959,¹ tendered for filing a proposed change in its presently effective rate schedule for sales of natural gas subject to the jurisdiction of the Commission. The proposed change, which constitutes, an increased rate and charge, is contained in the following designated filing:

Description: Notice of Change, dated November 11, 1958.

Purchaser: Tennessee Gas Transmission Company.

Rate Schedule Designation: Supplement No. 6 to Superior's FPC Gas Rate Schedule No. 82.

Effective Date: February 19, 1959 (effective date is the first day after expiration of the required thirty days' notice).

In support of the proposed redetermined rate increase, Superior submitted copies of Tennessee Gas Transmission Company's rate redetermination letter, cites the contract provisions and states that the proposed price is an integral part of the price originally contracted for and that it is just and reasonable in that it is less than the highest price paid in the area for similar gas and does not exceed the average of the three highest prices in the area.

The increased rate and charge so proposed has not been shown to be justified, and may be unjust, unreasonable, unduly discriminatory, or preferential, or otherwise unlawful.

The Commission finds: It is necessary and proper in the public interest and to aid in the enforcement of the provisions of the Natural Gas Act that the Commission enter upon a hearing concerning the lawfulness of the said proposed change, and that Supplement No. 6 to Superior's FPC Gas Rate Schedule No. 82 be suspended and the use thereof deferred as hereinafter ordered.

The Commission orders:

(A) Pursuant to the authority of the Natural Gas Act, particularly sections 4 and 15 thereof, the Commission's rules of practice and procedure, and the regulations under the Natural Gas Act (18 CFR Ch. I), a public hearing be held upon a date to be fixed by notice from the Secretary concerning the lawfulness of the proposed increased rate and charge contained in Supplement No. 6 to Superior's FPC Gas Rate Schedule No. 82.

¹ Original filing was made on November 11, 1958. However, Superior did not make an appropriate rate schedule filing until January 19, 1959, at which time it filed, on behalf of itself and the remaining "et al." parties under C. N. Housh's FPC Gas Rate Schedule No. 7, a notice of succession to said rate schedule.

(B) Pending such hearing and decision thereon, said supplement be and it is hereby suspended and the use thereof deferred until June 1, 1959 (five months from the date the increased rate was contractually due), and until such further time as it is made effective in the manner prescribed by the Natural Gas Act.

(C) Neither the supplement hereby suspended nor the rate schedule sought to be altered thereby shall be changed until this proceeding has been disposed of or until the period of suspension has expired, unless otherwise ordered by the Commission.

(D) Interested State commissions may participate as provided by §§ 1.8 and 1.37(f) of the Commission's rules of practice and procedure (18 CFR 1.8 and 1.37(f)).

By the Commission (Commissioner Hussey dissenting).

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-1632; Filed, Feb. 25, 1959;
8:46 a.m.]

[Docket No. G-14638]

CARTER OIL CO.

Notice of Application and Date of Hearing

FEBRUARY 19, 1959.

Take notice that The Carter Oil Company (Applicant); a West Virginia corporation with its principal place of business in Tulsa, Oklahoma, filed an application on March 7, 1958, in Docket No. G-14638, pursuant to section 7 of the Natural Gas Act for a certificate of public convenience and necessity authorizing the sale of natural gas in interstate commerce to Natural Gas Pipeline Company of America (Natural), of the portion of its portion of the gas produced from or attributable to acreage in section 17, Township 2 North, Range 20 ECM, Beaver County, Oklahoma, part of the Trimmel Unit "A"

operated by Edwin L. Cox for resale subject to the jurisdiction of the Commission, all as more fully described in the application on file with the Commission, and open for public inspection.

Applicant proposes to sell its share of said natural gas to Natural under the terms of a gas purchase agreement dated January 2, 1958, as supplemented and amended, between Applicant and others, as Seller, and Natural, as Buyer, filed concurrently with the application as Carter's Rate Schedule No. 58.

This matter is one that should be disposed of as promptly as possible under the applicable rules and regulations and to that end:

Take further notice that, pursuant to the authority contained in and subject to the jurisdiction conferred upon the Federal Power Commission by sections 7 and 15 of the Natural Gas Act, and the Commission's rules of practice and procedure, a hearing will be held on March 25, 1959, at 9:30 a.m., e.s.t., in a Hearing Room of the Federal Power Commission, 441 G Street NW., Washington, D.C., concerning the matters involved in and the issues presented by such application: *Provided, however*, That the Commission may, after a non-contested hearing, dispose of the proceedings pursuant to the provisions of § 1.30(c) (1) or (2) of the Commission's rules of practice and procedure. Under the procedure herein provided for, unless otherwise advised, it will be unnecessary for Applicant to appear or be represented at the hearing.

Protests or petitions to intervene may be filed with the Federal Power Commission, Washington 25, D.C., in accordance with the rules of practice and procedure (18 CFR 1.8 or 1.10) on or before March 14, 1959. Failure of any party to appear at and participate in the hearing shall be construed as waiver of and concurrence in omission herein of the intermediate decision procedure in cases where a request therefor is made.

[SEAL] JOSEPH H. GUTRIDE,
Secretary.

[F.R. Doc. 59-1633; Filed, Feb. 25, 1959;
8:47 a.m.]

GENERAL SERVICES ADMINISTRATION

REPORT OF PURCHASES UNDER DOMESTIC PURCHASE REGULATIONS

Report of purchases under Domestic Purchase Regulation (operating on delegation of authority by Department of Interior under Public Law 733, 84th Congress).

DECEMBER 31, 1958.

Commodity	Termination date of program	Unit of measure	Total limitation	Purchases			
				Fiscal year to date		Inception to date	
				Quantity	Cost ¹	Quantity	Cost ¹
Asbestos.....	Dec. 31, 1958	Short tons, crude No. 1 and No. 2.	1,975	388	\$475,772.70	1,741	\$2,082,900.40
Columbium-tantalum.	.....do.....	Short tons, crude No. 3.	1,199	232	92,620.00	1,047	418,354.00
		Pounds, contained combined pentoxide.	62,310	9,724	37,894.30	59,104	233,674.46
Fluorspar.....	.....do.....	Short tons, acid grade.	175,815	45,874	2,504,918.85	139,886	7,569,945.78
Tungsten.....	.....do.....	Short ton units, tungsten trioxide.	293,584	0	0	283,463	15,537,920.91

¹ Material cost.

Dated: February 18, 1959.

FRANKLIN FLOETE,
Administrator.

[F.R. Doc. 59-1637; Filed, Feb. 25, 1959; 8:47 a.m.]

SECURITIES AND EXCHANGE COMMISSION

[File No. 70-3761]

MICHIGAN WISCONSIN PIPE LINE CO. AND AMERICAN NATURAL GAS CO.

Notice of Filing Regarding Proposal by Subsidiary To Increase Author- ized Capital Stock and To Issue and Sell to Parent Additional Shares of Common Stock; Issuance and Sale by Subsidiary to Banks of Install- ment Notes,

FEBRUARY 18, 1959.

Notice is hereby given that Michigan Wisconsin Pipe Line Company ("Michigan Wisconsin"), a non-public-utility, and its parent company, American Natural Gas Company ("American"), a registered holding company, have filed a joint application-declaration, pursuant to the Public Utility Holding Company Act of 1935 ("Act"), and have designated sections 6(b), 9, 10 and 12(f) of the Act and Rules 50(a) (2), (3) and 70(b) (2) promulgated thereunder as applicable to the proposed transactions.

Michigan Wisconsin proposes to increase its authorized capital stock from 340,000 shares to 440,000 shares by amendment of its Certificate of Incorporation and to issue and sell 100,000 shares of its common stock, par value \$100 per share, to American for a cash consideration of \$10,000,000.

Michigan Wisconsin also proposes to enter into a credit agreement providing for its borrowing, at one or more times prior to December 31, 1959, of up to \$20,000,000 from the banks and in the respective amounts set forth below:

The First National City Bank of New York.....	\$10,000,000
Mellon National Bank and Trust Company, Pittsburgh, Pa.....	5,000,000
National Bank of Detroit.....	5,000,000
	20,000,000

The amounts borrowed are to be evidenced by unsecured installment notes, are to be dated as of the date of issuance, and are to mature in installments as follows: 20 percent of the principal amount on April 1 in each of the years 1960, 1961, 1962; 12½ percent on April 1 in each of the years 1963 and 1964; 10 percent on April 1, 1965 and 5 percent on April 1, 1966. The notes are to bear interest at the rate of 4 percent upon the first installment, 4½ percent on the next two installments and 4½ percent on the last four installments. The notes are to be prepayable in whole, or in part pro rata, without prepayment premium, except that if prepayment is made from the proceeds from other bank borrowings a prepayment premium is to be paid in an amount equal to ¼ of 1 percent per annum for the unexpired term of the amount prepaid. The company is to pay a stand-by charge equal to ¼ of 1 percent per annum on the average daily

unused balance of the commitments computed from the date of the first borrowing or April 1, 1959, whichever is earlier, to the date when the borrowings shall equal the aggregate amount of the banks' commitment or December 31, 1959, whichever is earlier. The company may reduce the commitment at any time without penalty.

The proceeds from the proposed sale of common stock and notes to banks are to be used by Michigan Wisconsin to pay a part of the costs of an expansion program during 1959 which is estimated to aggregate \$55,000,000. The company has obtained authority from the Federal Power Commission to construct a portion of the facilities required and has an application pending for an extension of service to various communities not now served with natural gas.

The estimated fees and expenses to be incurred by Michigan Wisconsin in connection with the proposed transactions are as follows:

	Common stock	Credit agreement
Federal original issue tax.....	\$10,000	
Fees and taxes of various states.....	3,000	\$2,500
Counsel fees—Sidley, Austin, Burgess & Smith.....		1,000
American Natural Gas Service Company—services at cost.....	500	1,000
Miscellaneous.....	1,000	1,000
	14,500	5,500

Michigan Wisconsin will apply to the Michigan Public Service Commission for authority to issue and sell its common stock and notes and a copy of the application and the order entered in respect thereof are to be supplied by amendment. It is represented that no other State commission and no Federal commission, other than this Commission, has jurisdiction over any of the proposed transactions.

Notice is further given that any interested person may, not later than March 4, 1959, request in writing that a hearing be held in respect of such matters, stating the nature of his interest, the reasons for such request, and the issues of fact or law raised by the application-declaration which he desires to controvert, or he may request that he be notified should the Commission order a hearing thereon. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington 25, D.C. At any time after said date the application-declaration as filed, or as it may be hereafter amended, may be granted and permitted to become effective as provided by Rule 23 promulgated under the Act, or the Commission may grant exemption from its rules under the Act as provided by Rules 20(a) and 100 thereof, or take such other action as it may deem appropriate.

By the Commission.

[SEAL]

ORVAL L. DuBOIS,
Secretary.[F.R. Doc. 59-1646; Filed, Feb. 25, 1959;
8:49 a.m.]

SMALL BUSINESS ADMINISTRA- TION

[Declaration of Disaster Area 216]

INDIANA

Declaration of Disaster Area

Whereas, it has been reported that during the month of February 1959, because of the effects of certain disasters, damage resulted to residences and business property located in certain areas in the State of Indiana;

Whereas, the Small Business Administration has investigated and has received other reports of investigations of conditions in the areas affected;

Whereas, after reading and evaluating reports of such conditions, I find that the conditions in such areas constitute a catastrophe within the purview of the Small Business Act.

Now, therefore, as Administrator of the Small Business Administration, I hereby determine that:

1. Applications for disaster loans under the provisions of section 7(b) of the Small Business Act may be received and considered by the Offices below indicated from persons or firms whose property situated in the following Counties (including any areas adjacent to said Counties) suffered damage or other destruction as a result of the catastrophe hereinafter referred to:

Counties: Adams, Allen, Carroll, Cass, Fountain, Huntington, Miami, Parks, Tippecanoe, Vermillion, Vigo, Wabash, and Warren (floods occurring on or about February 9 to 13, 1959).

Offices: Small Business Administration Regional Office, 226 West Jackson Boulevard, Room 1402, Chicago 6, Illinois.

Small Business Administration Branch Office, Farm Bureau Insurance Building, Room 721, 130 East Washington Street, Indianapolis 4, Indiana.

2. No special field offices will be established at this time.

3. Applications for disaster loans under the authority of this declaration will not be accepted subsequent to August 31, 1959.

Dated: February 13, 1959.

WENDELL B. BARNES,
Administrator.[F.R. Doc. 59-1647; Filed, Feb. 25, 1959;
8:49 a.m.]

INTERSTATE COMMERCE COMMISSION

[Notice 257]

MOTOR CARRIER APPLICATIONS

FEBRUARY 20, 1959.

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carriers of property or passengers and by brokers under sections 206, 209, and 211

of the Interstate Commerce Act and certain other procedural matters with respect thereto.

All hearings will be called at 9:30 o'clock a.m., United States standard time (or 9:30 o'clock a.m., local daylight saving time), unless otherwise specified.

APPLICATIONS ASSIGNED FOR ORAL HEARING OR PRE-HEARING CONFERENCE

MOTOR CARRIERS OF PROPERTY

No. MC 2353 (Sub No. 10) (CORRECTION), filed December 15, 1958, published January 28, 1959. Applicant: MONUMENTAL MOTOR TOURS, INC., 3319 Pulaski Highway, Baltimore, Md. Applicant's attorney: S. Harrison Kahn, 726-34 Investment Building, Washington, D.C. That portion of the previous publication referring to Maryland Highway 169 was in error. The proper highway designation is Maryland Highway 196.

HEARING: April 7, 1959, on the sixth floor, McCawley Building, 37 Commerce Street, Baltimore, Md., before Joint Board No. 120.

No. MC 4966 (Sub No. 9), filed February 5, 1959. Applicant: JONES TRANSFER COMPANY, a corporation, 927 Washington Street, Monroe, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Tecumseh, Mich., and junction U.S. Highway 23 and Michigan Highway 50 near Dundee, Mich., from Tecumseh over Michigan Highway 50 to junction U.S. Highway 23, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Detroit and Morenci, Mich., and alternate route operations between junction U.S. Highways 16 and 23 (near Brighton, Mich.), and Toledo, Ohio and between junction U.S. Highway 23 and Michigan Highway 50 and junction Michigan Highway 50 and U.S. Highway 25 (near Monroe, Mich.). Applicant is authorized to conduct operations in Michigan and Ohio.

HEARING: April 22, 1959, at the Federal Building, Detroit, Mich., before Joint Board No. 76, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 8989 (Sub No. 179), filed December 31, 1958. Applicant: HOWARD SOBER, INC., 2400 West St. Joseph Street, Lansing, Mich. Applicant's attorney: Albert F. Beasley, 15th and K Streets, NW., Washington 5, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trucks, tractors, chassis, crane, mechanical or equipment carriers* (with or without such crane, mechanical, or other equipment), *earth-moving equipment, trailers, and parts* when accompanying the vehicle or trailer on which they are to be installed, in initial truckaway and driveaway service,

from Kansas City, Mo., to points in the United States, and *damaged and rejected shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 20, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 10761 (Sub No. 80), filed January 16, 1959. Applicant: TRANS-AMERICAN FREIGHT LINES, INC., 1700 North Waterman Avenue, Detroit 9, Mich. Applicant's attorney: Howell Ellis, 520 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over an alternate route, transporting: *General commodities*, except loose bulk commodities, livestock, explosives, except small arms ammunition, currency, bullion, and commodities exceeding ordinary equipment and loading facilities, between Bryan, Ohio, and Chicago, Ill., from Bryan over U.S. Highway 6 to junction U.S. Highway 41, thence over U.S. Highway 41 to Chicago, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations between Chicago, Ill., and Cleveland, Ohio. Applicant is authorized to conduct operations in Arkansas, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Kentucky, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Texas, and Wisconsin.

HEARING: April 17, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 58, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 14743 (Sub No. 20), filed January 16, 1959. Applicant: E. L. POWELL & SONS TRUCKING CO., INC., 405 North Elwood, Tulsa, Okla. Applicant's attorney: W. T. Brunson, Leonhardt Building, Oklahoma City 2, Okla. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Machinery, equipment, materials and supplies* used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum and their products and by-products, and (1) between points in Kansas and Missouri and (2) between points in Kansas and Missouri on the one hand, and, on the other, points in Montana, North Dakota, South Dakota, Wyoming, and Colorado.

HEARING: April 27, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 17002 (Sub No. 19), filed February 4, 1959. Applicant: CASE DRIVE-AWAY, INC., 6001 U.S. Route 60, Huntington, W. Va. Applicant's attorney: Charles T. Dorrill, 600 Fifth Avenue, Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Articles of iron and steel manufacture*, as defined in Appendix V to the *Report in Descriptions in Motor Carrier*

Certificates, 61 MCC 209, including, but not limited to, mine and pit cars, reinforcing steel, and mine roof bolts, from Huntington, W. Va., to points in Kentucky and Tennessee. Applicant is authorized to conduct operations in Michigan, Ohio, Kentucky, Indiana, West Virginia, Virginia, North Carolina, South Carolina, Pennsylvania, Wisconsin, Iowa, and Illinois.

NOTE: Applicant also controls Case Van Lines, Inc., a motor carrier of household goods in No. MC 22296; therefore, common control may be involved.

HEARING: April 28, 1959, at the City Council Chamber City Hall, 501 Virginia Street, East, Charleston, W. Va., before Joint Board No. 404, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 20783 (Sub No. 43), filed February 9, 1959. Applicant: TOMPKINS MOTOR LINES, INC., 1000 Third Avenue North, Nashville, Tenn. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products and articles distributed by meat packing-houses*, from Columbus, Indiana to points in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee. Applicant is authorized to conduct regular route operations in Georgia, North Carolina and Tennessee, and irregular route operations in Alabama, Florida, Georgia, North Carolina, South Carolina, and Tennessee.

HEARING: April 21, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Herbert L. Hanback.

No. MC 20992 (Sub No. 5), filed December 29, 1958. Applicant: WILLIAM DOTSETH, Rural Route, Knapp, Wis. Applicant's attorney: W. P. Knowles, New Richmond, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Agricultural machinery, implements and parts thereof, and other agricultural equipment* as more fully described in the application, uncrated in mixed shipments, from West Bend, Wis., to points in that part of Minnesota north of a line beginning at Duluth, Minn., and extending along U.S. Highway 210 to Motley, Minn., and thence along U.S. Highway 10 to its junction with the Minnesota-North Dakota State line, also to points in North Dakota and South Dakota; and shipments of *machinery or parts of agricultural machinery returned for repairs*, from the above specified destination territory to West Bend, Wis.

NOTE: Applicant has attached copies of affidavit requesting that the commodity description in his present authority in No. MC 20992 and Sub No. 1 thereunder be corrected in conformity with Interstate Commerce Commission regulations to permit the transportation of the above specified commodities. Applicant is authorized to conduct operations in Minnesota and Wisconsin.

HEARING: April 23, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 24549 (Sub No. 1), filed December 24, 1958. Applicant: GARRETT VERMEULEN, 3477 South Ninth, Oshetemo, Mich. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Frozen fruits and eggs*, in 30-pound tins, *powdered milk*, in 50 and 100-pound bags and in 225-pound drums, *sweet cream and condensed milk*, in tankers and 10-gallon cans, *feed, ice cream mix*, and *empty containers*, (1) between Kalamazoo, Mich., and Chicago, Ill.: from Kalamazoo over U.S. Highway 2 to Gary, Ind., thence over Toll Road to Chicago (alternate over U.S. 20 to Gary, thence over U.S. 20 to Chicago), and return over the same route, serving Chesterton, Ind., as an off-route point; (2) between Kalamazoo, Mich., and Elkhart, Ind.: from Kalamazoo over U.S. Highway 131 to junction Indiana Highway 15, thence over Indiana Highway 15 to junction Indiana Highway 120, and thence over Indiana Highway 120 to Elkhart, and return over the same route; (3) between Kalamazoo, Mich., and Mishawaka, Ind.: from Kalamazoo over U.S. Highway 131 to junction Indiana Highway 15, thence over Indiana Highway 15 to junction Indiana Highway 120, thence over Indiana Highway 120 to Elkhart, Ind., and thence over U.S. Highway 33 to Mishawaka, and return over the same route; (4) between Kalamazoo, Mich., and South Bend, Ind.: from Kalamazoo over U.S. Highway 131 to junction Indiana Highway 15, thence over Indiana Highway 15 to junction Indiana Highway 120, thence over Indiana Highway 120 to Elkhart, Ind., and thence over U.S. Highway 33 to Fort Wayne, serving Warsaw, Ind., as an off-route point, and return over Indiana Highway 3, Indiana Highway 9, U.S. Highway 112, and U.S. Highway 131, to Kalamazoo; and (6) between Kalamazoo, Mich., and Kendallville, Ind.: from Kalamazoo over U.S. Highway 131 to junction U.S. Highway 112, thence over U.S. Highway 112 to junction Indiana Highway 9, thence over Indiana Highway 9 to junction U.S. Highway 6, thence over U.S. Highway 6 to Kendallville, and return over the same route. Applicant is authorized to conduct operations in Illinois, Indiana, and Michigan.

NOTE: Any duplicating authority to be eliminated.

HEARING: April 29, 1959, at the Olds Hotel, Lansing, Mich., before Joint Board No. 73, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 29761 (Sub No. 8), filed January 12, 1959. Applicant: DE ROSA TRANSPORTATION, INC., 2278 South Union Street, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago, Ill. Authority sought to operate as a *common carrier*,

by motor vehicle, over irregular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Chicago, Ill., and the site of the plant of the American Motors Corporation located in Kenosha, Wis. Applicant is authorized to conduct operations in Michigan, Illinois, Indiana, and Ohio.

HEARING: April 15, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 17, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 29886 (Sub No. 141), filed January 13, 1959. Applicant: DALLAS & MAVIS FORWARDING CO., INC., 4000 West Sample Street, South Bend, Ind. Applicant's attorney: Charles M. Pieroni, 4000 West Sample Street, South Bend 21, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Motor vehicles*, except trailers and semi-trailers; in initial movements, in truckaway service, from Toledo, Ohio, to points in Nebraska and New Mexico. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 24, 1959, at the Federal Building, Detroit, Mich., before Examiner C. Evans Brooks.

No. MC 30657 (Sub No. 13), filed January 28, 1959. Applicant: DIXIE HAULING COMPANY, a corporation, 805 Memorial Drive SE., Atlanta 16, Ga. Applicant's attorney: R. J. Reynolds, Jr., 1403 Citizens & Southern National Bank Building, Atlanta 3, Ga. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Empty drums and empty steel containers*, from Cleveland, Ohio, to points in Indiana, Michigan, New York, Ohio, Pennsylvania and West Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: April 15, 1959, in the Old P.O. Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner C. Evans Brooks.

No. MC 34865 (Sub No. 37), filed January 23, 1959. Applicant: CONTRACT CARRIERS, INC., 2425 Walton Street, Anderson, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products, asphalt paint and roof coating*, in containers, from Cincinnati, Ohio, to points in Indiana, Illinois, and Louisville, Ky. and *empty containers and rejected shipments*, on return. Applicant is authorized to conduct regular route operations in Illinois, Indiana, Missouri, and Ohio, and irregu-

lar route operations in Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, Tennessee, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier.

HEARING: April 7, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 43038 (Sub No. 410), filed January 26, 1959. Applicant: COMMERCIAL CARRIERS, INC., 3399 East McNicholas Road, Detroit 12, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Automobiles, trucks and buses*, in initial movements, by truckaway service, from Toledo, Ohio, to points in Nebraska and New Mexico. Applicant is authorized to conduct operations in Alabama, Arkansas, Colorado, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and Wyoming.

HEARING: April 24, 1959, at the Federal Building, Detroit, Mich., before Examiner C. Evans Brooks.

No. MC 43468 (Sub No. 7), filed December 21, 1958. Applicant: VICTORY MOTOR FREIGHT, INC., 2140 Second Avenue, P.O. Box 2103, Huntington, W. Va. Applicant's attorney: Chas. T. Dorrill, 600 Fifth Avenue, Huntington, W. Va. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Compressed gases*, in bulk, and in cylinders, *empty cylinders*, and *welding equipment and supplies*, between Butler, Pa., and Huntington, W. Va. Applicant is authorized to conduct operations in Kentucky, Ohio, Virginia, and West Virginia.

HEARING: April 27, 1959, at the City Council Chamber City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Herbert L. Hanback.

No. MC 44932 (Sub No. 5), filed January 12, 1959. Applicant: W. W. YOUNG & SON, INC., 11437 Cottage Grove Avenue, Chicago 28, Ill. Applicant's attorney: Eugene L. Cohn, One North La Salle Street, Chicago 2, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Commodities* (except liquid commodities), in bulk, in dump-type or self-unloading vehicles or vehicles equipped with special loading and/or unloading devices, (1) between points in the Chicago, Ill., Commercial Zone, as defined by the Commission; (2) between points in the Chicago, Ill., Commercial Zone, as defined by the Commission, on the one hand, and, on the other, points in Stephenson, Winnebago, Boone, McHenry, Lake, Cook, Du Page, Kane, De Kalb, Ogle, Lee, Carroll, Whiteside, Bureau, Putnam, LaSalle, Kendall, Grundy, Marshall, Livingston, Will, Kankakee, Iroquois, Vermilion, Ford, Champaign, McLean, and Woodford Counties, Ill.; Lake, Porter, La Porte, St. Joseph, Elk-

hart, Kosciusko, Marshall, Fulton, Starke, Pulaski, Jasper, Newton, Benton, Warren, Tippecanoe, White, Cass, Carroll, Miami, and Wabash Counties, Ind., Ottawa, Allegan, Van Buren, Kalamazoo, Berrien, Cass, and St. Joseph Counties, Mich., Dodge, Washington, Ozaukee, Milwaukee, Waukesha, Jefferson, Dane, Green, Rock, Walworth, Racine, and Kenosha Counties, Wis. Applicant is authorized to conduct operations in Illinois and Indiana.

HEARING: April 10, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Leo W. Cunningham.

No. MC 47336 (Sub No. 12), filed December 19, 1958. Applicant: ECLIPSE MOTOR LINES, INC., 920 National Road, P.O. Box 507, Bridgeport, Ohio. Applicant's attorney: James M. Burtch, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel*, and *iron and steel articles*, from Beechbottom, Benwood, Warwood, and Wheeling, W. Va., Mingo Junction, Martins Ferry, Steubenville, and Yorkville, Ohio, to points in Delaware, and *empty containers or other such incidental facilities* (not specified) and *damaged or rejected shipments* of the above-specified commodities, on return movements. Applicant is authorized to conduct regular route operations in Pennsylvania and West Virginia, and irregular route operations in Delaware, Illinois, Indiana, Kentucky, Maryland, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, West Virginia, and the District of Columbia.

NOTE: Any duplicating authority to be eliminated.

HEARING: April 6, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Herbert Hanback.

No. MC 50132 (Sub No. 56), filed February 9, 1959. Applicant: CENTRAL & SOUTHERN TRUCK LINES, INC., 312 West Morris Street, Caseyville, Ill. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, wood products and forest products*, (a) from Dillon, S.C., to points in Illinois, Indiana, Kentucky, Michigan, Wisconsin, Iowa, Ohio, and Nebraska; (b) from Emporia and Danville, Va., and points in Toombsboro (Wilkinson) County, Ga., to points in Wisconsin, Michigan, Iowa, Ohio, and Nebraska; and *exempt commodities*, on return. Applicant is authorized to conduct operations in Illinois, Louisiana, Arkansas, Missouri, Tennessee, Kentucky, North Carolina, South Carolina, Nebraska, Mississippi, Kansas, Alabama, Georgia, Virginia, Indiana, and Ohio.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 50132 Sub 38 to determine whether applicant's status is that of a contract or common carrier.

HEARING: March 27, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Alfred B. Hurley.

No. MC 59957 (Sub No. 27), filed December 22, 1958. Applicant: MOTOR

FREIGHT EXPRESS, a corporation, 550 East King Street, York, Pa. Applicant's representative: Harold G. Wiemeyer, same address as applicant. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, other than those requiring refrigeration, (1) between Somerset, Pa., and the Pennsylvania-Maryland State line, over U.S. Highway 219; (2) between Berlin, Pa., and Reels Corners, Pa., over Pennsylvania Highway 160; (3) between Somerset, Pa., and Johnstown, Pa., over Pennsylvania Highway 53 and also over U.S. Highway 219; (4) between Jenners, Pa., and Windber, Pa., over Pennsylvania Highway 601; (5) between Reels Corners, Pa., and Ligonier, Pa., over U.S. Highway 30, serving all intermediate points on the above described routes, and all off-route points in Somerset County, Pa., except those points in the Townships of Jefferson, Middlecreek, Upper Turkeyfoot, Lower Turkeyfoot, Addison, Black, Milford, Fairhope, Northampton, Larunerm Greenville, and Southampton. Applicant is authorized to conduct operations in New York, Delaware, Pennsylvania, New Jersey, Maryland, and the District of Columbia.

NOTE: Applicant states that it is already authorized to operate over certain of the above described routes, serving no intermediate points, and all duplication of authority should be eliminated.

HEARING: April 6, 1959, in the County Court House, Somerset, Pa., before Examiner C. Evans Brooks.

No. MC 60987 (Sub No. 8), filed December 31, 1958. Applicant: PICKETT TRUCK LINE, INCORPORATED, 211 East 23d Street, Chicago, Ill. Applicant's attorney: Louis E. Smith, 1800 North Meridian Street, Suite 503, Indianapolis 2, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Printed matter and materials and supplies* used in printing matter, (1) between Warsaw, Ind., and Willard, Ohio; (2) between Chicago, Ill., and Willard, Ohio; (3) from Chicago, Ill., to Warsaw, Ind., and (4) from Crawfordsville, Ind., to Willard, Ohio. Applicant is authorized to conduct regular route operations in Illinois and Indiana, and irregular route operations in Illinois, Indiana, Kentucky, Missouri, and Ohio.

HEARING: April 16, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 58, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 62537 (Sub No. 61), filed January 2, 1959. Applicant: GREAT LAKES FORWARDING CORPORATION, 13475 Eldon Avenue, Detroit 34, Mich. Applicant's attorney: George S. Dixon, Guardian Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New automobiles, new trucks, and new chassis*, in initial movements, in truck-

away service, from Toledo, Ohio, to points in Maine, New Hampshire, and Vermont. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, West Virginia, and Wisconsin.

HEARING: April 23, 1959, at the Federal Building, Detroit, Mich., before Examiner C. Evans Brooks.

No. MC 64932 (Sub No. 250), filed January 9, 1959. Applicant: ROGERS CARTAGE CO., 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fluorinated hydrocarbons* (Gensetrons), in bulk, in tank vehicles, from Danville, Ill., to Bridgeport, Conn. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: April 13, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Leo W. Cunningham.

No. MC 64932 (Sub No. 251), filed January 22, 1959. Applicant: ROGERS CARTAGE CO., a corporation, 1934 South Wentworth Avenue, Chicago, Ill. Applicant's attorney: David Axelrod, 39 South La Salle Street, Chicago 3, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Nitrogen fertilizer solution*, in bulk, in tank vehicles, from El Dorado, Ark., to Wolf Lake, Ill. Applicant is authorized to conduct operations in Alabama, Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, West Virginia, and Wisconsin.

HEARING: April 17, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 243, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 79932 (Sub No. 7), filed January 30, 1959. Applicant: VERNON HEPP AND CLETUS C. LISCHER, doing business as COAL TRANSPORT, New Athens, Ill. Applicant's attorney: M. C. Young, 2011 Railway Exchange Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Sand*, from St. Louis, Mo., to points in St. Clair County, Ill., and return. Applicant states the foregoing transportation will originate at points along the Mississippi River within the City of St. Louis, Mo., and move through

St. Louis, Mo., East St. Louis, Belleville, and Freeburg, Ill., to points within St. Clair County, Ill., which County lies entirely within the origin territory from which applicant transports coal to St. Louis and points in St. Louis County, Mo., as authorized in its Certificate No. MC 79932. Applicant is authorized to conduct operations in Illinois and Missouri.

HEARING: April 10, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its rights to participate before Examiner James H. Gaffney.

No. MC 85934 (Sub No. 10), filed January 28, 1959. Applicant: MICHIGAN TRANSPORTATION COMPANY, a corporation, 1650 Waterman, Detroit, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from St. Joseph, Mich., to points in Ohio, Indiana, and Illinois, and *empty shipper containers*, and *damaged, rejected and refused shipments* of cement on return. Applicant is authorized to conduct operations in Ohio, Michigan, Illinois, Indiana, Wisconsin, Pennsylvania, Kentucky, Missouri, Alabama, Mississippi, and Tennessee.

NOTE: Dual operations may be involved.

HEARING: April 27, 1959, at the Olds Hotel, Lansing, Mich. before Examiner C. Evans Brooks.

No. MC 88686 (Sub No. 2), filed December 8, 1958. Applicant: EDWIN M. THOMPSON AND EDWARD M. THOMPSON, doing business as THOMPSON TRUCK LINE, Northwood, Iowa. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Petroleum products*, in containers, from points in the Minneapolis-St. Paul, Minn., Commercial Zone, as defined by the Commission, to points in Iowa on and east of U.S. Highway 71 and on and north of Iowa Highway 3, and *empty containers* or *other such incidental facilities* (not specified) used in transporting petroleum products on return. Applicant is authorized to conduct regular and irregular route operations in Iowa and Minnesota.

NOTE: Any duplication with present authority to be eliminated.

HEARING: April 22, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 146, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 92983 (Sub No. 335), filed January 16, 1959. Applicant: ELDON MILLER, INC., 330 East Washington Street, Iowa City, Iowa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from Yonkers, N.Y., to St. Louis, Mo. Applicant is authorized to conduct operations in Alabama, Arkansas, Connecticut, Del-

aware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, North Dakota, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, South Dakota, Tennessee, Texas, Virginia, Vermont, West Virginia, and Wisconsin.

HEARING: April 8, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner James H. Gaffney.

No. MC 100337 (Sub No. 26), filed February 6, 1959. Applicant: SAM MCKINLEY, doing business as MCKINLEY DRIVEAWAY COMPANY, 2205 North Pitcher Street, Kalamazoo, Mich. Applicant's attorney: Larry A. Eskilsen, 501 Perpetual Building, 1111 E Street NW., Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle over irregular routes, transporting: *Passenger automobiles*, in initial movements, in truckaway service, from Kalamazoo, Mich., to all points in the United States, except those in Alaska, California, Idaho, Nevada, Oregon, and Washington, and *damaged and rejected shipments* of the commodities specified in this application on return. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 23, 1959, at the Federal Building, Detroit, Mich., before Examiner C. Evans Brooks.

No. MC 101126 (Sub No. 116), filed November 26, 1958. Applicant: STILL-PASS TRANSIT COMPANY, INC., Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Animal and vegetable oil products and blends thereof*, in bulk, in insulated, stainless steel tank vehicles, from St. Bernard and Cincinnati, Ohio, to points in Georgia, Kansas, and Missouri. Applicant is authorized to conduct operations in Arkansas, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Virginia, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 101126 Sub 86.

HEARING: April 22, 1959, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Herbert L. Hanback.

No. MC 101126 (Sub No. 118), filed January 15, 1959. Applicant: STILL-PASS TRANSIT COMPANY, INC., 4967 Spring Grove Avenue, Cincinnati 32, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Rosin sizing*, in bulk, in insulated, steam coiled, steel tank vehicles, from Nitro, W. Va., to points in Maryland, Ohio, Pennsylvania, and Virginia. Applicant is authorized to conduct operations in Ohio, Kentucky, Indiana, Illinois, Maryland, New York, North Carolina, Michigan, Tennessee, New Jersey, Alabama, Wis-

consin, Missouri, Arkansas, Iowa, Minnesota, Nebraska, and Pennsylvania.

HEARING: April 22, 1959, in Room 712, Federal Building, Cincinnati, Ohio, before Examiner Herbert L. Hanback.

No. MC 101458 (Sub No. 24), filed January 12, 1959. Applicant: NATIONAL CARTAGE CO., 2850 Sheffield, Hammond, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and acids*, in bulk, from Joliet, Ill., to points in Indiana, Ohio, Michigan, and Kentucky; and *refused or rejected shipments* of chemicals and acids, on return. Applicant is authorized to conduct operations in Indiana, Illinois, Michigan, and Wisconsin.

HEARING: April 14, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Leo W. Cunningham.

No. MC 104481 (Sub No. 10), filed January 28, 1959. Applicant: MOORMAN TRUCKING COMPANY, INC., 125 West Allen Street, Bloomington, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Clay products*, from points in Clay County, Ind., to points in Iowa and Missouri and *pallets* used in transporting clay products on return. Applicant is authorized to conduct operations in Indiana, Illinois, Kentucky, Michigan, Ohio, New York, and Missouri.

HEARING: April 20, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Herbert L. Hanback.

No. MC 106271 (Sub No. 4), filed January 22, 1959. Applicant: FRANCIS D. GOOD, Drexel, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Gravel, sand, dirt and lime*, in bulk, from LaCygne, Kans., and points in Kansas within 20 miles to points in Bates and Cass Counties, Mo. Applicant is authorized to conduct operations in Kansas and Missouri.

HEARING: April 24, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 36, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 106398 (Sub No. 112), filed January 12, 1959. Applicant: NATIONAL TRAILER CONVOY, INC., 1916 North Sheridan Road, Tulsa, Okla. Applicant's attorney: Harold G. Hernly, 1624 I Street NW., Washington, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Trailers*, designed to be drawn by passenger automobiles, in initial movements, in truckaway service, from points in Indiana, except Elkhart and Bourbon, Ind., to points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 14, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Herbert L. Hanback.

No. MC 106920 (Sub No. 12), filed January 26, 1959. Applicant: RIGGS DAIRY EXPRESS, INC., P.O. Box 17, Versailles, Ohio. Applicant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to

operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen foods*, from Carrollton, Mo., to points in Connecticut, Delaware, Indiana, Maine, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Rhode Island, and *empty containers or other such incidental facilities* (not specified) used in transporting frozen foods on return.

HEARING: April 8, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 107128 (Sub No. 17), filed February 4, 1959. Applicant: FAST FREIGHT, INC., 2612 West Morris Street, Indianapolis, Ind. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Empty glass containers*, with or without closures, in truckload quantities, in straight or mixed truckloads, or mixed truckloads with closures, not exceeding 33 1/3 percent of the actual weight of the contents of the truck, or in mixed truckloads with extra fibreboard boxes or cartons, knocked down or folded flat, not to exceed 10 percent of the total weight of the shipment, from Gas City, Ind., to Minneapolis and St. Paul, Minn., points in Iowa, Missouri, Kentucky, Wisconsin, and those in Michigan north of Michigan Highway 20, excepting Bay City and Muskegon, Mich., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application, *empty pallets*, and *refused, rejected or damaged shipments* of the above-specified commodities on return. Applicant is authorized to conduct operations in Illinois, Indiana, Iowa, Kentucky, Michigan, Missouri, Ohio, Pennsylvania, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 107128 (Sub No. 10).

HEARING: April 21, 1959, at the Federal Building, Detroit, Mich., before Examiner C. Evans Brooks.

No. MC 107295 (Sub No. 61), filed January 29, 1959. Applicant: PRE-FAB TRANSIT CO., a corporation, Farmer City, Ill. Applicant's attorney: Mack Stephenson, 208 East Adams Street, Springfield, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Buildings*, complete, knocked down or in section, including all component parts, materials, supplies and fixtures, and, when shipped with such buildings, accessories used in the erection, construction and completion thereof, from points in Ohio, and from Parkersburg, W. Va., to points in Mississippi, Alabama, Georgia, Florida, South Carolina, Maine, Vermont, New Hampshire, Connecticut, Rhode Island, and Arizona; and from points in Ohio to Ports of Entry on the boundary between the United States and Canada, in New York, Vermont, New Hampshire, or Maine. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 13, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 108382 (Sub No. 6), (PETITION FOR CORRECTION OF CERTIFICATE). Petitioner: SHORT FREIGHT LINES, INC. EXTENSION—SAULT STE. MARIE, MICH. (Bay City, Mich.). Petitioner's attorney: Kit Clardy, 712 Olds Tower Building, Lansing, Mich. By petition dated October 1, 1958, applicant seeks correction or modification of the Certificate issued to it on May 16, 1958, in two respects; (1) it desires authority to serve intermediate points on 19 of the routes (these routes are set forth and numbered in Exhibit A attached to its petition) which were granted to it in that Certificate, and (2) it desires that the highway description of Route No. 15 therein (also set forth in Exhibit A) be corrected.

HEARING: April 29, 1959, at the Olds Hotel, Lansing, Mich., before Joint Board No. 76, or if, the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 109478 (Sub No. 30), filed January 8, 1959. Applicant: WORSTER MOTOR LINES, INC., East Main Road, R.D. No. 1, North East, Pa. Applicant's attorney: William W. Knox, 23 West Tenth Street, Erie, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid sugar and invert sugar*, in bulk, in tank vehicles, from points in the Chicago, Ill., Commercial Zone, as defined by the Commission, to Cleveland, Ohio. Applicant is authorized to conduct operations in Connecticut, Delaware, Illinois, Indiana, Maryland, Massachusetts, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, West Virginia, and the District of Columbia.

HEARING: April 16, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 58, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 109637 (Sub No. 104), filed January 28, 1959. Applicant: SOUTHERN TANK LINES, INC., 4107 Bells Lane, Louisville 11, Ky. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine*, in bulk, in tank vehicles, from points in New Jersey and New York to Indianapolis, Ind., and *empty containers or other such incidental facilities* (not specified) used in transporting wine on return. Applicant is authorized to conduct operations in Alabama, Delaware, District of Columbia, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Mississippi, Missouri, Nebraska, New Jersey, New York, North Carolina, Ohio, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, West Virginia, and Wisconsin.

HEARING: April 20, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Herbert L. Hanback.

No. MC 109761 (Sub No. 20), filed February 2, 1959. Applicant: CARL SUBLER TRUCKING, INC., 906 Magnolia Avenue, Auburndale, Fla. MAIL: North West Street, Versailles, Ohio. Appli-

cant's attorney: Herbert Baker, 50 West Broad Street, Columbus 15, Ohio. Authority sought to operate as a *common or contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *Canned, preserved, or prepared foodstuffs* (not requiring refrigeration), from points in Ohio and Michigan, and from Covington, Ky., Portland, Geneva, and Sunman, Ind., and from Jonesboro and Columbia, Tenn., to points in Florida, Georgia, North Carolina, and South Carolina; (2) *Canned, preserved, or prepared foodstuffs* (not requiring refrigeration), from points in Ohio and Michigan, and from Covington, Ky., Portland, Geneva, and Sunman, Ind., to points in Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont; (3) *Cans and can enclosures*, from Marion and Hamilton, Ohio, to Athens and Atlanta, Ga.; and (4) *Fruit, vegetable, and poultry containers, including crates, boxes, hampers, baskets, cushions, and related materials*, from Albany, Macon, and Savannah, Ga., and High Point, N.C., to points in Florida, Kentucky, and Ohio. Applicant is authorized to conduct operations in Florida, Georgia, Illinois, Indiana, Maine, Michigan, Minnesota, New Hampshire, Ohio, Vermont, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(a) in No. MC 109761 (Sub No. 12) to determine whether applicant's status is that of a common or contract carrier.

HEARING: April 9, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 110103 (Sub No. 3), filed February 4, 1959. Applicant: WALTER E. COY, doing business as COY BROS., Box 416, R.D. 2, Canfield, Ohio. Applicant's attorney: Noel F. George, 44 East Broad Street, Columbus 15, Ohio. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Refractory product, clay, chrome ore and paste, gumming and ramming mixes* (packaged or in bulk), and cements (dry and wet in bags and drums), from Green Township and Poland Township, Mahoning County, Ohio, and New Brighton and Hillsville, Pa., to points in Ohio, Pennsylvania, Kentucky, West Virginia, New York, Michigan, Indiana, Illinois, and Wisconsin, and *commodities, materials and supplies* used and useful in the manufacture of the above-named commodities on return. Applicant is authorized to conduct operations in Ohio, Pennsylvania, and West Virginia.

HEARING: April 7, 1959, at the New Post Office Building, Columbus, Ohio, before Examiner Herbert L. Hanback.

No. MC 110505 (Sub No. 50), filed December 29, 1958. Applicant: RINGLE TRUCK LINES, INC., 601 South Grant Avenue, Fowler, Ind. Applicant's attorney: Robert C. Smith, 512 Illinois Building, Indianapolis 4, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Kokomo, Ind., to points in Iowa, Wisconsin, except Milwaukee, Kenosha, and Racine, and their respective Commercial Zones, as defined by the Commission, Minnesota, North Dakota, South

Dakota, Nebraska, Kansas, and Missouri, except St. Louis, and the St. Louis, Mo., Commercial Zone as defined by the Commission, and *damaged and rejected shipments* of the above commodities on return. Applicant is authorized to conduct operations in Indiana, Illinois, Iowa, Ohio, Kentucky, Missouri, Tennessee, Wisconsin, Michigan, West Virginia, Kentucky, Alabama, Connecticut, Delaware, Florida, Georgia, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Vermont, Virginia, and the District of Columbia.

HEARING: April 16, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Examiner Herbert L. Hanback.

No. MC 110525 (Sub No. 379), filed December 24, 1958. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorney: Leonard A. Jaskiewicz, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement and mortar*, in bulk and in bags, from points in Muskingum and Summit Counties, Ohio, to points in Indiana, Kentucky, Michigan, Ohio, Pennsylvania, and West Virginia. Applicant is authorized to conduct operations in Alabama, Arkansas, California, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: April 10, 1959, at the Fulton Building, 101-115 Sixth Street, Pittsburgh, Pa., before Examiner C. Evans Brooks.

No. MC 110525 (Sub No. 383), filed January 26, 1959. Applicant: CHEMICAL TANK LINES, INC., 520 East Lancaster Avenue, Downingtown, Pa. Applicant's attorneys: Leonard A. Jaskiewicz and V. Baker Smith, Munsey Building, Washington 4, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Chemicals and acids*, in bulk, in tank vehicles, from Lawrence, Kans., to points in Kentucky and Ohio. Applicant is transporting the commodities specified in all States and the District of Columbia, except Arizona, California, Colorado, Florida, Idaho, Mississippi, Montana, Nevada, New Mexico, North Dakota, Oregon, South Dakota, Texas, Utah, Washington, and Wyoming.

NOTE: Applicant has a pending application for contract carrier authority in No. MC 117507. Section 210 (dual operations) may be involved.

HEARING: April 29, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 110988 (Sub No. 55), filed January 16, 1959. Applicant: KAMPO TRANSIT, INC., 200 Cecil Street, Neenah, Wis. Applicant's representative: Adolph E. Solie, 715 First National

Bank Building, Madison 3, Wis. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *acids and chemicals*, as defined by the Commission in Appendix XV to report in Ex Parte 45, *Descriptions in Motor Carrier Certificates*, 61 M.C.C. 209, in bulk, in tank vehicles, from Pine Bend, Minn., to points in Illinois, Iowa, the Upper Peninsula of Michigan, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin; and (2) *spent acid*, in bulk, in tank vehicles, from points in Minnesota and the Upper Peninsula of Michigan, to points in Wisconsin. Applicant is authorized to conduct operations in Wisconsin, Illinois, Georgia, Louisiana, Missouri, Oklahoma, Texas, Nebraska, Minnesota, Iowa, Indiana, Michigan, Ohio, Kentucky, Arkansas, Kansas, Tennessee, and Florida.

HEARING: April 24, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 111231 (Sub No. 37), filed January 16, 1959. Applicant: JONES TRUCK LINES, INC., 610 East Emma Avenue, Springdale, Ark. Applicant's attorney: Wentworth E. Griffin, 1012 Baltimore Building, Kansas City 5, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over regular and irregular routes, transporting: (1) *fish, including shellfish*, cooked or uncooked, breaded, frozen or fresh (but not including fish and shellfish which has been treated for preserving, such as canned, smoked, pickled, spiced, corned or prepared products), and (2) *agricultural commodities, including horticultural commodities* (not including manufactured products thereof), shown as "exempt" in the Commodity List in Administrative Ruling 107 of the Bureau of Motor Carrier (but not including frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, bananas, hemp, wool imported from any foreign country, wool tops and noils or wool waste (carded, spun, woven or knitted), in the same vehicle with other commodities which are not exempt from regulation, which applicant is authorized to transport in its Certificate No. MC 111231 and sub-numbers thereunder, between points in Arkansas, Illinois, Kansas, Mississippi, Missouri, Oklahoma, Tennessee, and Texas. Applicant is authorized to conduct operations in Missouri, Arkansas, Oklahoma, Kansas, Tennessee, Illinois, and Texas.

HEARING: April 21, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 111320 (Sub No. 36), filed January 8, 1959. Applicant: CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street and Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building, earth moving, and/or contractor's equipment*, including those described in 61 M.C.C. 209, Appendix 8, and *parts or accessories* of such items

when moving with or separately in truckaway service (excluding commercial trucks), between New Philadelphia, Ohio, on the one hand, and on the other, points in Arizona, Arkansas, California, Colorado, Connecticut, Delaware, District of Columbia, Idaho, Iowa, Kentucky, Maine, Minnesota, Montana, Nebraska, Nevada, New Hampshire, New Mexico, Oregon, Rhode Island, South Dakota, Utah, Vermont, Virginia, Washington, and Wyoming. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 16, 1959, in the Old P.O. Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner C. Evans Brooks.

No. MC 111320 (Sub No. 37), filed January 8, 1959. Applicant: CURTIS KEAL TRANSPORT COMPANY, INC., East 54th Street and Cleveland Shoreway, Cleveland, Ohio. Applicant's representative: G. H. Dilla, 3350 Superior Avenue, Cleveland 14, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Road building, earth moving, and/or contractor's equipment*, including those described in 61 M.C.C. 209, Appendix 8, and *parts or accessories* of such items when moving with or separately, in truckaway and driveaway service, except commercial trucks, between Cleveland, Ohio, on the one hand, and, on the other, points in the United States. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant states all duplications to be eliminated.

HEARING: April 16, 1959, in the Old P.O. Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner C. Evans Brooks.

No. MC 111812 (Sub No. 62), filed January 5, 1959. Applicant: MIDWEST COAST TRANSPORT, INC., P.O. Box 747, Wilson Terminal Building, Sioux Falls, S. Dak. Applicant's attorney: Donald Stern, 924 City National Bank Building, Omaha, Nebr. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing-house products, and Commodities used by packing houses*, as defined by the Commission in Appendix I in Descriptions in Motor Carrier Certificates, 61 M.C.C. 209, 766, from Mitchell, S. Dak., to points in California, and *hooks and racks* used in transporting the above specified commodities on return. Applicant is authorized to conduct operations in South Dakota, Washington, Oregon, Iowa, Utah, California, Minnesota, Nevada, Nebraska, North Dakota, Montana, Idaho, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, and Pennsylvania.

NOTE: Duplication should be eliminated.

HEARING: April 8, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Leo W. Cunningham.

No. MC 112223 (Sub No. 40), filed February 6, 1959. Applicant: QUICKIE TRANSPORT COMPANY, 1121 South

Seventh Street, Minneapolis, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Acids and chemicals* in bulk, in tank vehicles, from Pine Bend, Minn. to points in Illinois, Iowa, Upper Peninsula of Michigan, Missouri, Nebraska, North Dakota, South Dakota, and Wisconsin. (2) *Spent acid*, in bulk, in tank vehicles, from points in Minnesota and the Upper Peninsula of Michigan to points in Wisconsin. Applicant is authorized to conduct operations in Iowa, Michigan, Minnesota, North Dakota, South Dakota, and Wisconsin.

HEARING: April 24, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 112595 (Sub No. 14), filed November 10, 1958. Applicant: FORD BOTHERS, INC., 2940 South Third Street, Ironton, Ohio. Applicant's attorney: Charles T. Dodrill, 600 Fifth Avenue, Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Liquid petroleum and liquid petroleum products*, in bulk, in tank vehicles, between points in Wayne and Kanawha Counties, W. Va., and Boyd County, Ky., on the one hand, and, on the other, points in Michigan. Applicant is authorized to conduct operations in West Virginia, Kentucky, Ohio, and Michigan.

HEARING: April 27, 1959, at the City Council Chamber City Hall, 501 Virginia Street, East, Charleston, W. Va., before Examiner Herbert L. Hanback.

No. MC 112623 (Sub No. 2), filed February 4, 1959. Applicant: PRIEBE BROS. OIL CO., a corporation, 1336-1340 M-139, Benton Harbor, Mich. Applicant's attorney: James R. Davis, 1400 Michigan National Tower, Lansing 8, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Cement*, from St. Joseph, Mich., to points in Ohio, Indiana, and Illinois; and *empty cement shipping containers and damaged shipments of cement*, from the above specified destination points to St. Joseph, Mich.

HEARING: April 27, 1959, at the Olds Hotel, Lansing, Mich., before Examiner C. Evans Brooks.

No. MC 112941 (Sub No. 1), filed January 30, 1959. Applicant: WEST VIRGINIA MOTOR DELIVERY CO., INC., P.O. Box 2829, C&O Freight Depot, Charleston, W. Va. Applicant's attorney: Francis W. McInerney, Commonwealth Bldg., 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Food*s (including canned, prepared, preserved or frozen), between Charleston, W. Va., and points within 5 miles of Charleston on the one hand, and, on the other, points within 100 miles of Charleston, in West Virginia, Ohio, and Kentucky. Applicant is authorized to conduct operations in Virginia, West Virginia, Ohio, and Kentucky.

HEARING: April 28, 1959, at the City Council Chamber City Hall, 501 Virginia

Street, East, Charleston, W. Va., before Joint Board No. 62, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 113651 (Sub No. 28), filed December 17, 1958. Applicant: INDIANA REFRIGERATOR LINES, INC., 2404 North Broadway, Muncie, Ind. Applicant's attorney: Mario Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products, and meat by-products*, and *commodities distributed by meat packing houses*, as defined by the Commission, (A) from Fargo and West Fargo, N. Dak., North Platte, Nebr., and Huron, S. Dak., to points in Connecticut, Delaware, Indiana, Kentucky, Maine, Maryland, Massachusetts, Michigan, New Hampshire, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia; and (B) from Sioux City, Iowa, and Omaha, Nebr., to points in Connecticut, Delaware, Maine, New Hampshire, New Jersey, those in New York on and east of U.S. Highway 15, points in Maryland, Massachusetts, those in Pennsylvania on and east of U.S. Highway 219, and points in Rhode Island, Vermont, Virginia, West Virginia, and the District of Columbia. Applicant is authorized to conduct operations in Alabama, Connecticut, Delaware, Florida, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, Missouri, New Hampshire, New Jersey, New York, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Vermont, Virginia, West Virginia, and the District of Columbia.

HEARING: April 6, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Leo W. Cunningham.

No. MC 113779 (Sub No. 85), filed January 23, 1959. Applicant: YORK INTERSTATE TRUCKING, INC., 9020 La Porte Expressway, P.O. Box 12385, Houston 17, Tex. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Paints, paint materials, resins, varnishes, and lacquers*, from points in the Kansas City, Mo., Commercial Zone, as defined by the Commission, to points in Oklahoma and Texas. Applicant is authorized to conduct operations in Alabama, Arizona, Arkansas, California, Colorado, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, Nevada, New Jersey, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, Pennsylvania, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

HEARING: April 24, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 113843 (Sub No. 35), filed January 7, 1959. Applicant: REFRIGERATED FOOD EXPRESS, INC., 316 Summer Street, Boston 10, Mass. Applicant's attorney: James M. Walsh, 316 Summer Street, Boston 10, Mass. Authority

sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing house products, and commodities used by packing houses* (as defined in Paragraphs A, B, C, and D of Appendix IV (61 MCC 275), from Chicago and East St. Louis, Ill., Cleveland and Columbus, Ohio, Evansville, Ind., Milwaukee, Wis., and St. Louis, Mo., to points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, and Connecticut. Applicant is authorized to conduct regular route operations in Massachusetts and Ohio, and irregular route operations in Colorado, Connecticut, Delaware, Illinois, Indiana, Iowa, Kentucky, Maine, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Nebraska, New Hampshire, New Jersey, New York, Ohio, North Carolina, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, West Virginia, Wisconsin, and the District of Columbia.

HEARING: April 9, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Leo W. Cunningham.

No. MC 113855 (Sub No. 32), filed December 9, 1958. Applicant: INTERNATIONAL TRANSPORT, INC., Highway 52 South, Rochester, Minn. Applicant's attorney: Franklin J. Van Osdell, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Excavating, grading and loading machinery and parts thereof, and attachments for excavating, grading and loading machinery and parts thereof*, between Winona, Minn., on the one hand, and, on the other, points in the United States. Applicant is authorized to conduct operations throughout the United States.

HEARING: April 23, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 113908 (Sub No. 48), filed January 14, 1959. Applicant: ERICKSON TRANSPORTATION CORPORATION, MPO Box 706, Springfield, Mo. Applicant's attorneys: Chinn and White, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wine, wine concentrates, wine blends and wine products*, (1) from points in New York, Pennsylvania, and New Jersey, to points in Illinois, Wisconsin, Missouri, Indiana, Colorado, Nebraska, Minnesota, Virginia, Florida, Tennessee, Louisiana, Texas, Ohio, Michigan, Montana, North Dakota, Washington, and Alaska, including ports of entry on the International Boundary between the United States and Canada; and (2) from points in California, to points in New York, Virginia, Illinois, Kentucky, Ohio, Michigan, Montana, North Dakota, Washington, and Alaska, including ports of entry on the International Boundary line between the United States and Canada. Applicant is authorized to transport similar commodities in Florida, Illinois, Indiana, Michigan, and Ohio.

HEARING: April 6, 1959, at the U.S. Court House and Custom House, 1114

Market Street, St. Louis, Mo., before Examiner James H. Gaffney.

No. MC 113908 (Sub No. 49), filed January 16, 1959. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, Springfield, Mo. Applicant's attorney: Turner White, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Super phosphoric acid*, in bulk, in tank vehicles, from Wilson Dam, Ala., to Sullivan, Harvel, Rochester and El Paso, Ill. Applicant is authorized to conduct operations in Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Missouri, Nebraska, Ohio, South Dakota, Tennessee, Texas, and Wisconsin.

HEARING: April 13, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Examiner Leo W. Cunningham.

No. MC 113908 (Sub No. 50), filed January 16, 1959. Applicant: ERICKSON TRANSPORT CORPORATION, MPO Box 706, Springfield, Mo. Applicant's attorney: Turner White, 808 Woodruff Building, Springfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vegetable oils, vegetable oil blends and vegetable oil products*, in bulk, in tank vehicles, from points in Texas, Tennessee, Arkansas and Louisiana, to Springfield, Mo. Applicant is authorized to conduct operations in Florida, Illinois, Indiana, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, Ohio, South Dakota, Tennessee, Missouri, Texas, and Wisconsin.

HEARING: April 22, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 114463 (Sub No. 1), filed January 26, 1959. Applicant: J. FREDERICK STEVENSON AND HESTER L. STEVENSON, a partnership, doing business as STEVENSON'S REFRIGERATED TRUCK SERVICE, 1017 Perkins Street, Muncie, Ind. Applicant's attorney: Mario Pieroni, 523 Johnson Building, Muncie, Ind. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Meats, packing house products and commodities used in packing houses*, in pool-truck distribution, from Muncie, Ind., to points in Allen, Auglaize, Darke, Defiance, Fulton, Henry, Miami, Mercer, Paulding, Putnam, Shelby, Van Wert, Hardin, Hancock, Logan, Champaign, and Williams Counties, Ohio. Applicant is authorized to transport the commodities specified in Indiana.

HEARING: April 21, 1959, at the U.S. Court Rooms, Indianapolis, Ind., before Joint Board No. 60, or, if the Joint Board waives its right to participate, before Examiner Herbert L. Hanback.

No. MC 115130 (Sub No. 2), filed November 28, 1958. Applicant: PAULSON TRUCK LINES, INC., 2008 Northeast Airport Road, Roseburg, Ore. Applicant's attorney: Earle V. White, 2130 Southwest Fifth Avenue, Portland 1, Ore. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lumber, including plywood*, from points in Doug-

las County, Ore., to points in Arizona, California and Nevada. Applicant is authorized to conduct operations in Oregon and California.

NOTE: Applicant states it will transport exempt commodities on return trips.

HEARING: March 27, 1959, at the Federal Building, Medford, Ore., before Examiner Mack Myers.

No. MC 115331 (Sub No. 15), filed January 19, 1959. Applicant: TRUCK TRANSPORT, INC., Crystal City, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Acids and chemicals*, in bulk; *ammonium nitrate, fertilizer, fertilizer compounds*, in bulk and in containers, from Selma, Mo., and points within five miles of Selma, Mo., to points in Ohio, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-described commodities, on return. Applicant is authorized to conduct operations in Arkansas, Illinois, Iowa, Kansas, Kentucky, Missouri, Oklahoma, and Tennessee.

HEARING: April 8, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner James H. Gaffney.

No. MC 115805 (Sub No. 2), filed January 26, 1959. Applicant: SMITH'S, INC., Cottonwood, Minn. Applicant's attorney: Hoyt Crooks, 842 Raymond Avenue, St. Paul 14, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Salt* (other than bulk), from Hutchinson (Reno County), Kans., to points in Minnesota and North Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting salt on return.

HEARING: April 27, 1959, in Room 926, Metropolitan Building, Second Avenue, South and Third, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 116564 (Sub No. 3), filed January 1, 1959. Applicant: LEWIS W. McCURDY AND MARGARET J. McCURDY, a partnership, doing business as McCURDY'S TRUCKING COMPANY, 571 Unity Street, Latrobe, Pa. Applicant's attorney: Paul F. Sullivan, 1821 Jefferson Place, NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Malt beverages*, in containers, and *advertising material* moving therewith, from Milwaukee, Wis., to points in Allegheny, Armstrong, Beaver, Blair, Butler, Cambria, Centre, Elk, Fayette, Greene, Mercer, Indiana, Jefferson, Somerset, Washington, and Westmoreland Counties, Pa., and *empty containers or other such incidental facilities*, used in transporting the above-described commodities, on return. Applicant is authorized to transport malt beverages from Latrobe, Pa., to specified points in Delaware and Maryland and empty containers on return.

HEARING: April 9, 1959, in the Fulton Building, 101-115 Sixth Street, Pittsburgh, Pa., before Examiner C. Evans Brooks.

No. MC 117165 (Sub No. 2), filed November 21, 1958. Applicant: C.J. DAVIS, doing business as ST. LOUIS FREIGHT LINES, 1000 Michigan Avenue, St. Louis, Mich. Applicant's attorney: William B. Elmer, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Boards, building, wall and/or insulating fibre board, and parts, materials and accessories* incidental thereto, from the sites of plants of the Abitibi Corporation at or near Alpena, Mich., to points in Maine, New Hampshire, Vermont, New York, Massachusetts, Rhode Island, Connecticut, Pennsylvania, New Jersey, Delaware, Maryland, West Virginia, District of Columbia, Virginia, North Carolina, South Carolina, Georgia, Florida, Alabama, Tennessee, points in Kentucky, except those points within 40 miles of the Ohio River, Mississippi, Louisiana, Arkansas, points in Missouri, except the St. Louis, Mo., Commercial Zone, Minnesota, Nebraska, Kansas, Oklahoma, and Colorado, and *rejected and damaged shipments* of the above-described commodities and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodities on return; all limited to movements on flat bed vehicles.

NOTE: Applicant holds contract carrier authority in Permit No. MC 105572 and sub numbers thereunder. Dual operations under section 210 may be involved.

HEARING: April 28, 1959, at the Olds Hotel, Lansing, Mich., before Examiner C. Evans Brooks.

No. MC 117370 (Sub No. 2), filed January 19, 1959. Applicant: JACK STAFFORD, doing business as STAFFORD TRUCKING, 1137 North 45th Street, Milwaukee, Wis. Applicant's attorney: Claude J. Jasper, 1 West Main Street, Madison 3, Wis. Authority sought to operate as a *common carrier* by motor vehicle, over irregular routes, transporting: *Salt*, in bulk, from Milwaukee, Wis., to points in Illinois on and north of U.S. Highway 6.

HEARING: April 15, 1959, in Room 852, U.S. Custom House, 610 South Canal Street, Chicago, Ill., before Joint Board No. 13, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 117567, filed August 5, 1958. Applicant: GUNKELMAN & JOHNSON, INC., Breckenridge, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: (1) *bags, twine, insecticides, chemicals*, in containers, *fertilizer* in bags, *animal and poultry feed*, from Hillsboro, Gardner, Grandin and Fargo, N. Dak., Minneapolis, Minn., Kansas City, Mo., Chicago, Ill., Milwaukee, Wis., Omaha, Nebr., and Des Moines, Iowa to points in North Dakota, Minnesota, and South Dakota, and *empty containers or other such incidental facilities* (not specified) used in transporting the above commodities on return; (2) *grain elevator machinery and equipment and grain cleaners, and empty containers or other such incidental facilities* (not specified)

used in transporting grain elevator machinery and equipment and grain cleaners, between points in North Dakota, Minnesota, and South Dakota.

NOTE: Applicant states that the proposed service will be conducted for R. F. Gunkelman and Sons, Inc., of Fargo, N. Dak.

HEARING: April 28, 1959, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner Leo W. Cunningham.

No. MC 117850 (Sub No. 2), filed January 15, 1959. Applicant: J. B. KENNEDY, Brookfield, Mo. Applicant's attorney: James Glenn, Macon, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Feed and fertilizer*, in bulk, sacks and bags, from Military, Kansas City, Atchison, and Lawrence, Kans., Nebraska City, Nebr., Sheffield, Ala., Humbolt, Mason City, Klemme, Washington, and Des Moines, Iowa, Quincy, Decatur, and East St. Louis, Ill., to points in Linn, Chariton, Sullivan, and Grundy Counties, Mo., and *damaged shipments* of the above commodities on return.

HEARING: April 22, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

No. MC 117912, filed November 28, 1958. Applicant: CLIFFORD JONES, doing business as T & R TRANSPORT COMPANY, 349 Barcelona Drive, El Paso, Tex. Applicant's attorney: William J. Torrington, 1003 Maryland Trust Building, Baltimore 2, Md. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Turpentine, rosin, tandroline and paint thinners*, from El Paso, Texas, to points in Arizona, California, Oregon, Washington, Idaho, Montana, Utah, Colorado, Nevada, New Mexico, Wyoming, Texas, Oklahoma, Kansas, Nebraska, North Dakota, South Dakota, Wisconsin, Minnesota, Missouri, Iowa, Illinois, Indiana, Michigan, Ohio, and Pennsylvania, and empty containers or other such incidental facilities (not specified) used in transporting the above commodities on return.

NOTE: Applicant states that he will also transport exempt commodities on return.

HEARING: April 13, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner James H. Gaffney.

No. MC 117983 (Sub No. 1), filed January 27, 1959. Applicant: JOSEPH W. TAYLOR, doing business as TAYLOR'S TRANSFER, Ridge, Mo. Applicant's attorney: Francis W. McInerney, 1625 K Street NW., Washington 6, D.C. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Meats, meat products and meat by-products, dairy products, and articles distributed by meat-packing houses*, as defined by the Commission in Appendix 1 (A, B and C) of *Descriptions in Motor Carrier Certificates*, 61 MCC 209, in vehicles equipped with temperature control devices, from Washington, D.C., to points in Calvert, Prince Georges, Charles, and St. Marys Counties, Md., and *empty containers* or other such incidental facilities used in

transporting the above-described commodities, on return.

NOTE: Applicant states the proposed operations are for the account of Swift & Company.

HEARING: March 27, 1959, at the Offices of the Interstate Commerce Commission, Washington, D.C., before Joint Board No. 68.

No. MC 118437, filed December 10, 1958. Applicant: GERALD D. HANDKE, doing business as HANDKE'S GRAIN SERVICE, 8600 Central Avenue NE., Spring Lake Park, Minn. Applicant's attorney: Richard M. Bosard, 1160 Northwestern Bank Building, Minneapolis 2, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from St. Paul and Minneapolis, Minn., and points in Wisconsin, Iowa, North Dakota, South Dakota, Montana, Wyoming, and Idaho.

NOTE: Applicant indicates it will transport exempt commodities on return.

HEARING: April 20, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 118453, filed December 15, 1958. Applicant: SCHULER GRAIN COMPANY, 84 Minnesota Avenue, Breckenridge, Minn. Applicant's representative: A. R. Fowler, 2288 University Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Animal and poultry feed and feed ingredients* in bulk or in mixed shipments in bulk, when not to exceed 25 percent of the weight or the shipment, in bags, from points in the Minneapolis-St. Paul, Minn., Commercial Zone as defined by the Commission to points in North Dakota.

HEARING: April 22, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Joint Board No. 24, or, if the Joint Board waives its right to participate, before Examiner Leo W. Cunningham.

No. MC 118458, filed December 16, 1958. Applicant: ROBERT G. FRAZIER, doing business as FRAZIER MOTOR COMPANY, 2012 Gihon Road, Parkersburg, W. Va. Applicant's attorney: J. A. Bibby, Jr., 504 Security Building, Charleston, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Wrecked or disabled motor vehicles*, including, but not limited to, *passenger cars, trucks, busses, and trailers*, between Parkersburg, Wood County, W. Va., on the one hand, and, on the other, points in Ohio, Virginia, Kentucky, Pennsylvania, and West Virginia.

HEARING: April 27, 1959, at the City Council Chamber, City Hall, 501 Virginia Street East, Charleston, W. Va., before Examiner Herbert L. Hanback.

No. MC 118507, filed December 29, 1958. Applicant: L. M. ROSEN AND ELMER ROSEN, doing business as ROSEN LIVESTOCK, P.O. Box 269, Fairmont, Minn. Applicant's representative: A. R. Fowler, 2288 University

Avenue, St. Paul 14, Minn. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Iron and steel articles*, from Duluth, Minn., to points in Iowa, North Dakota, and South Dakota.

HEARING: April 21, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 118549, filed January 12, 1959. Applicant: CURRAN V. NIELSEN, doing business as GYPSUM CARRIERS, 6500 Oxford Street, Minneapolis 26, Minn. Applicant's attorney: Donald A. Morken, 1100 First National-Soo Line Building, Minneapolis 2, Minn. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Gypsum and plasterboard*, from Fort Dodge, Iowa, and points within ten (10) miles thereof, to points in Minnesota, Iowa, North Dakota, South Dakota, Nebraska, Wisconsin, and Illinois.

NOTE: Applicant states that Gypsum Carriers will haul solely for Curran V. Nielsen Co. Inc., and requests the authority to be issued to be limited to transportation pursuant to a contract with that company.

HEARING: April 27, 1959, in Room 926, Metropolitan Building, Second Avenue South and Third, Minneapolis, Minn., before Examiner Leo W. Cunningham.

No. MC 118555, filed January 15, 1959. Applicant: HARVEY E. HENRY, 412 South West End Boulevard, Cape Girardeau, Mo. Applicant's representative: A. A. Marshall, 305 Buder Building, St. Louis 1, Mo. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Toilet preparations, drugs and medicines*, from Lincoln, Ill., to Los Angeles and San Francisco, Calif.

HEARING: April 9, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Examiner James H. Gaffney.

No. MC 118592, filed January 27, 1959. Applicant: HAROLD KRINGLER, 921 11th Street North, Moorhead, Minn. Applicant's attorney: Alan Foss, First National Bank Building, Fargo, N. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Fertilizer*, in bulk, and in bags, from points in Missouri to points in North Dakota and Minnesota.

HEARING: April 28, 1959, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner Leo W. Cunningham.

No. MC 118594, filed January 28, 1959. Applicant: CARTAGE SERVICES, INC., 3601 Wyoming Avenue, Dearborn, Mich. Applicant's attorney: Rex Eames, 1800 Buhl Building, Detroit 26, Mich. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Vermiculite*, other than crude, in bags, from Dearborn, Mich., to points in Williams, Henry, Fulton, Wood, Ottawa, Sandusky, Defiance, Paulding, Putnam, Hancock, Seneca, Van Wert, Allen, Hardin, Wyandotte, Crawford, Mercer, Auglaize, Marion, Morrow, Darke, Shelby, Logan, Union, Delaware, Knox, Madison, Franklin,

Champaign, Miami, Lucas, and Clark Counties, Ohio.

HEARING: April 22, 1959, at the Federal Building, Detroit, Mich., before Joint Board No. 57, or, if the Joint Board waives its right to participate, before Examiner C. Evans Brooks.

No. MC 118596, filed January 29, 1959. Applicant: JOHN W. FRENCH, 9619 Holy Cross Road, East St. Louis, Ill. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Lime and limestone*, in bulk, from Mosher, Mo., to points in St. Clair County, Ill.

HEARING: April 10, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 118600, filed January 30, 1959. Applicant: A. H. MALONE, Advance, Mo. Applicant's attorney: Elvis A. Mooney, Bloomfield, Mo. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Fertilizer*, in bags, and feed, in bags, from East St. Louis, Ill., to Sturdivant, Leora, Puxico, and Advance, Mo., and points within one (1) mile of each; and (2) *Ordinary livestock*, from points within fifteen (15) miles of Sturdivant, Mo., including Sturdivant, to National Stock Yards and East St. Louis, Ill.

NOTE: Applicant states that he proposes to transport fertilizer, in bags, and feed, in bags, in load or partial load lots, for animal consumption, from dealers and manufacturers in East St. Louis to the above-named destination points.

HEARING: April 10, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Joint Board No. 135, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 118602, filed January 30, 1959. Applicant: CARL E. RIEGER, doing business as RIEGER TRUCK LINE, Belleville, Kans. Applicant's attorney: John E. Jandera, 641 Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Processed mill feeds, animal and poultry feeds*, in bulk and in packages and containers, from St. Joseph and Kansas City, Mo., to points in Washington, Clay, Dickinson, Ottawa, Cloud, Republic, Jewell, Mitchell, Lincoln, Osborne, Smith, Phillips, Rocks, Graham, and Norton Counties, Kans., and points in Nuckolls, Thayer, Adams, and Jefferson Counties, Nebr., and *empty containers or other such incidental facilities* (not specified) used in transporting the commodities specified in this application and *damaged shipments* of the above specified commodities on return.

HEARING: April 23, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Joint Board No. 140, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

No. MC 118602 (Sub No. 1), filed January 30, 1959. Applicant: CARL E. RIEGER, doing business as RIEGER TRUCK LINE, Belleville, Kans. Applicant's attorney: John E. Jandera, 641

Harrison Street, Topeka, Kans. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *New farm machinery*, set-up or knocked down, from points in the Commercial Zones of Bettendorf and Davenport, Iowa, Moline, and Rock Island, Ill., and Racine, Wis., to points in Republic, Cloud, Jewell, Clay, and Washington Counties, Kans., those in Nuckolls, Thayer, Adams, and Jefferson Counties, Nebr., and those in Kremlin, Okla., and *damaged shipments and empty containers or other such incidental facilities* (not specified), used in transporting the above commodities on return.

HEARING: April 28, 1959, at the New Hotel Pickwick, Kansas City, Mo., before Examiner James H. Gaffney.

MOTOR CARRIERS OF PASSENGERS

No. MC 66505 (Sub No. 3) (REPUBLICAN), filed December 3, 1958, published issue of February 11, 1959. Applicant: PEERLESS STAGES, INC., 2040 Castro Street, Oakland, Calif. Applicant's attorney: Spurgeon Avakian, First Western Building, Oakland 12, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers*, in special and charter operations, beginning and ending at points in California and extending to points in Arizona, Nevada, New Mexico, and Utah. Applicant is authorized to conduct operations in California.

HEARING: Remains as assigned April 13, 1959, in Room 226, Old Mint Building, Fifth and Mission Streets, San Francisco, Calif., before Examiner Mack Myers.

No. MC 117572, filed August 7, 1958. Applicant: EAGLE BUS LINES LIMITED, 166 Provencher Avenue, St. Boniface, Manitoba, Canada. Applicant's attorney: Mike Baryluk, 4th Floor Crown Trust Building, 364 Main Street, Winnipeg 2, Canada. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in round-trip charter operations, beginning and ending at ports of entry on the international boundary line between the United States and Canada located in North Dakota and Minnesota and extending to points in North Dakota, Minnesota, Wisconsin, Illinois, Montana, and Michigan.

HEARING: April 29, 1959, in the U.S. Court Rooms, Fargo, N. Dak., before Examiner Leo W. Cunningham.

No. MC 117829, filed November 13, 1958. Applicant: MERLIN L. VAN VOORHIS, doing business as THE E. AND M. TRANSIT COMPANY, R.F.D. 2, Box 141, East Canton, Ohio. Applicant's representative: John R. Meeks, 607 Copley Road, Akron 20, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Passengers and their baggage*, in the same vehicle with passengers, in special and charter operations, beginning and ending at points in Carroll, Stark, and Tuscarawas Counties, Ohio, except Alliance and Massillon, in Stark

County, Ohio, and extending to points in Indiana, Illinois, Kentucky, Maryland, Michigan, New Jersey, New York, Pennsylvania, Virginia, West Virginia, and the District of Columbia.

HEARING: April 14, 1959, in the Old P.O. Building, Public Square and Superior Avenue, Cleveland, Ohio, before Examiner C. Evans Brooks.

No. MC 118530, filed January 5, 1959. Applicant: AUGUST BAMFORD, EDWIN A. BAMFORD AND AUSAN J. BAMFORD, doing business as BAMFORD MOTOR COACH LINES, 2007 Whitaker Way, Munhall, Pa. Applicant's attorney: Christian V. Graf, 11 North Front Street, Harrisburg, Pa. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: (1) *Passengers and their baggage*, in charter operations, beginning and ending at points in Alleghany County, Pa., and extending to points in the United States; (2) *Passengers and their baggage*, in round-trip special operations, beginning and ending at points in Alleghany County, Pa., and extending to points in the United States.

HEARING: April 7, 1959, at the Fulton Building, 101-115 Sixth Street, Pittsburgh, Pa., before Examiner C. Evans Brooks.

No. MC 118593, filed January 27, 1959. Applicant: MOUNTAIN COACHES, INC., 907 South Orange Avenue, East Orange, N.J. Applicant's attorney: Edward F. Bowes, 1060 Broad Street, Newark 2, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *I. Passengers and their baggage, and newspapers and express* in the same vehicle with passengers, Between Livingston, N.J., and New York, N.Y., from the Livingston and Roseland Municipal line on Livingston Avenue, over Livingston Avenue to junction Mount Pleasant Avenue in Livingston, thence over Mount Pleasant Avenue to junction Municipal Plaza in West Orange (alternate route between junction Mount Pleasant Avenue and Pleasant Valley Way in West Orange and junction Mount Pleasant Avenue and Prospect Avenue in West Orange, from junction Mount Pleasant Avenue and Pleasant Valley Way in West Orange over Pleasant Valley Way to junction Eagle Rock Avenue in West Orange, thence over Eagle Rock Avenue to junction Prospect Avenue in West Orange, thence over Prospect Avenue to junction Prospect Avenue and Mount Pleasant Avenue in West Orange), thence over Municipal Plaza to junction Main Street, Northfield Avenue and Valley Road in West Orange, thence over Main Street to junction Prospect Street in East Orange, thence over Prospect Street to junction Springdale Avenue in East Orange, thence over Springdale Avenue to junction Garden State Marginal Highway Northbound in East Orange, thence over Garden State Marginal Highway Northbound to junction Access Road No. 147 Garden State Parkway in East Orange, thence over Access Road No. 147 Garden State Parkway to the Garden State Parkway, thence over the Garden State Parkway to junction Garden State Exit Road No. 153 in Passaic,

thence over Garden State Exit Road No. 153 to junction New Jersey Highway 3 in Passaic, thence over New Jersey Highway 3 and the Lincoln Tunnel to New York, N.Y., and return over the same routes except as follows between junction Garden State Parkway and Garden State Parkway Exit Road No. 147 in East Orange and junction Clinton Street and Springdale Avenue in East Orange where route is from junction Garden State Parkway and Garden State Parkway Exit Road No. 147 in East Orange over Garden State Parkway Exit Road No. 147 to junction Clinton Street in East Orange, thence over Clinton Street to junction Springdale Avenue in East Orange. Serving all intermediate points west of and including junction Municipal Plaza and Mount Pleasant Avenue in West Orange, N.J. II. *Passengers and their baggage, and newspapers and express* in the same vehicle with passengers, Between Essex Fells, N.J., and New York, N.Y., from junction Roseland Avenue and Manheim Road, Essex Fells, N.J., over Roseland Avenue to junction Eagle Rock Avenue in Roseland, thence over Eagle Rock Avenue to junction Pleasant Valley Way in West Orange, thence over Pleasant Valley Way to junction Mount Pleasant Avenue in West Orange, thence over Mount Pleasant Avenue to junction Municipal Plaza in West Orange (alternate route between junction Eagle Rock Avenue and Pleasant Valley Way in West Orange and junction Mount Pleasant Avenue and Prospect Avenue in West Orange, from junction Eagle Rock Avenue and Pleasant Valley Way in West Orange over Eagle Rock Avenue to junction Prospect Avenue in West Orange, thence over Prospect Avenue to junction Mount Pleasant Avenue in West Orange, thence over Mount Pleasant Avenue to junction Municipal Plaza in West Orange, thence over Municipal Plaza to junction Main Street, Northfield Avenue and Valley Road in West Orange, thence over Main Street to junction Prospect Street in East Orange, thence over Prospect Street to junction Springdale Avenue in East Orange, thence over Springdale Avenue to junction Garden State Marginal Highway Northbound in East Orange, thence over Garden State Marginal Highway Northbound to junction Access Road No. 147 Garden State Parkway in East Orange, thence over Access Road No. 147 Garden State Parkway to the Garden State Parkway, thence over the Garden State Parkway to junction Garden State Exit Road No. 153 in Passaic, thence over Garden State Exit Road No. 153 to junction New Jersey Highway 3 in Passaic, thence over New Jersey Highway 3 and the Lincoln Tunnel to New York, N.Y., and return over the same routes except as follows between junction Garden State Parkway and Garden State Parkway Exit Road No. 147 in East Orange and junction Clinton Street and Springdale Avenue in East Orange where route is from junction Garden State Parkway and Garden State Parkway Exit Road No. 147 in East Orange over Garden State Parkway Exit Road No. 147 to junction Clinton Street in East Orange, thence over Clinton Street to junction Springdale Avenue in

No. 39—6

East Orange. Serving all intermediate points west of and including junction Municipal Plaza and Mount Pleasant Avenue in West Orange, N.J.

HEARING: April 6, 1959, at the New Jersey Board of Public Utility Commissioners, State Office Building, Raymond Boulevard, Newark, N.J., before Joint Board No. 3.

APPLICATION FOR BROKERAGE LICENSE

MOTOR CARRIERS OF PROPERTY

No. MC 12691, filed January 15, 1959. Applicant: WALTER EARL ROBERTS, 712 Clara Avenue, St. Louis, Mo. For a license (BMC 4) to engage in operations as a *broker* at points in the St. Louis, Mo., Commercial Zone, and points in Missouri in arranging for the transportation by motor vehicle, in interstate or foreign commerce, of *General commodities, including Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment*, but excluding commodities of unusual value, between points in the St. Louis, Mo., Commercial Zone, and those in Missouri on the one hand, and, on the other, points in the United States, including Alaska.

HEARING: April 9, 1959, at the U.S. Court House and Custom House, 1114 Market Street, St. Louis, Mo., before Joint Board No. 179, or, if the Joint Board waives its right to participate, before Examiner James H. Gaffney.

APPLICATIONS IN WHICH HANDLING WITHOUT ORAL HEARING IS REQUIRED

MOTOR CARRIERS OF PROPERTY

No. MC 29120 (Sub No. 55), filed January 26, 1959. Applicant: WILSON STORAGE AND TRANSFER CO., 110 North Reid Street, Sioux Falls, S. Dak. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Worthington, Minn., and the junction of U.S. Highway 59 and Iowa Highway 9, north of Allendorf, Iowa, over U.S. Highway 59, serving no intermediate points, for joinder purposes only, as an alternate route for operating convenience only. Applicant is authorized to conduct operations in Indiana, Illinois, Iowa, Minnesota, North Dakota, South Dakota, and Nebraska.

No. MC 75320 (Sub No. 88), filed February 16, 1959. Applicant: CAMPBELL SIXTY SIX EXPRESS, INC., P.O. Box 390, Springfield, Mo. Applicant's attorney: W. C. Dannevik (same address as applicant). Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except those of unusual value, Class A and B explosives, household goods as defined by the Commission, commodities in bulk, and those requiring special equipment, between Jackson, Miss., and Mobile, Ala.: from Jackson over U.S. Highway 49 to junction with Mississippi Highway 20, thence over Mississippi Highway 20 to junction

with U.S. Highway 84, thence over U.S. Highway 84 to junction with Mississippi Highway 15 at Laurel, Miss., thence over Mississippi Highway 15 to junction with U.S. Highway 98, and thence over U.S. Highway 98 to Mobile, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only, in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in Alabama, Arkansas, Illinois, Kansas, Louisiana, Mississippi, Missouri, Oklahoma, Tennessee, and Texas.

No. MC 108358 (Sub No. 6), filed February 14, 1959. Applicant: CONCRETE DELIVERY CO., INC., 7 North Stellawanna Avenue, Lackawanna, N.Y. Applicant's representative: Floyd B. Piper, Crosby Building, Buffalo 2, N.Y. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Cinders, sand, gravel, stone and slag, including such commodities when coated with asphalt*, in bulk, in dump motor vehicles, from points in Allegany, Cattaraugus, Erie, Niagara, and Steuben Counties, N.Y., to points in Cameron, Clarion, Crawford, Clearfield, Elk, Erie, Forest, Jefferson, McKean, Mercer, Potter, Tioga, Venango, and Warren Counties, Pa. Applicant is authorized to conduct operations in New York and Pennsylvania.

No. MC 108678 (Sub No. 29), filed January 9, 1959. Applicant: LIQUID TRANSPORT CORP., 3901 Madison Avenue, Indianapolis, Ind. Applicant's attorney: William J. Guenther, 1511-14 Fletcher Trust Building, Indianapolis, Ind. Authority sought to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Corn steepwater*, in bulk, in tank vehicles, from Argo and Pekin, Ill., to Terre Haute, Ind. Applicant is authorized to conduct operations in California, Georgia, Illinois, Indiana, Iowa, Kentucky, Louisiana, Michigan, Missouri, North Carolina, Ohio, Tennessee, West Virginia, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) in No. MC 108678 (Sub No. 21) to determine whether applicant's status is that of a common or contract carrier. Applicant states it proposes to transport the commodity requested in the instant application under contract with Corn Products Refining Co. Applicant further states it has a pending application under MC 108678 (Sub No. 13) requesting the above-specified authority, limited to transportation under contract with Charles Pfizer Company, Inc., and that the purpose of the instant application is to add the contracting shipper of Corn Products Refining Co.

No. MC 109689 (Sub No. 86), filed January 26, 1959. Applicant: W. S. HATCH CO., a Utah corporation, 643 South 800 West, Woods Cross, Utah. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Corn syrup, including blends of corn syrup and liquid sugar, vegetable oils, animal oils, fish oils and tallow*, in bulk, between points in Utah. Applicant is authorized to conduct operations in Utah, Nevada, Idaho, Oregon, Colorado, Montana, and Wyoming.

NOTE: Applicant indicates that the above service will be conducted between rail cars in Utah and points in Utah.

No. MC 112595 (Sub No. 17), filed February 16, 1959. Applicant: FORD BORTHERS, INC., 2940 South Third Street, Ironton, Ohio. Applicant's attorney: Charles T. Dodrill, 600 Fifth Avenue, Huntington, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Coal tar products* (benzol, toluol and xylol), in bulk, in tank vehicles, from Middletown, Ohio, to Moundsville, W. Va., and *returned and rejected shipments* of the above-described commodities, on return. Applicant is authorized to conduct operations in West Virginia, Kentucky, Ohio, Virginia, and Michigan.

NOTE: Applicant requests that this application be considered for the purpose of removing any tacking gateway, necessary to be used, in transporting the commodities described herein from the plant of Armco Steel Corporation in Middletown, Ohio, destined to Moundsville, W. Va.

No. MC 115824 (Sub No. 4), filed February 12, 1959. Applicant: LESTER PETERSEN, 410 Main Street, Mankato, Minn. Applicant's attorney: Hoyt Crooks, 842 Raymond Avenue, St. Paul 14, Minn. Authority sought to operate as a *contract or common carrier*, by motor vehicle, over irregular routes, transporting: *Soybean meal*, in sacks or in bulk, from Mankato, Minn., to points in Montana, Wyoming and Nebraska, and to points in Iowa except those in Lyon, Osceola, Dickinson, Emmet, Kossuth, Sioux, O'Brien, Sac, Clay, Palo Alto, Plymouth, Cherokee, Buena Vista, Woodbury, and Ida Counties, and *empty containers or other such incidental facilities* (not specified) used in transporting the above-specified commodity on return. Applicant is authorized to conduct operations in Iowa, Minnesota, South Dakota, and Wisconsin.

NOTE: A proceeding has been instituted under section 212(c) of the Interstate Commerce Act to determine whether applicant's status is that of a contract or common carrier, assigned Docket No. MC 115824 (Sub No. 3).

No. MC 118617, filed February 6, 1959. Applicant: E. A. HOWARD, South Lee St. Extended, Garrett, Ind. Applicant's attorney: Robert O. Smith, Jr., The Baltimore & Ohio Railroad Company, Law Dept., 1315 Union Central Life Building, Cincinnati, Ohio. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *General commodities*, except household goods and Class A and B explosives, between St. Joe, Ind., and Nappanee, Ind., as follows: (1) from Garrett, Ind., over U.S. Highway 27 to junction Indiana Highway 8, thence over Indiana Highway 8 via Auburn to junction Indiana Highway 1, and thence over Indiana Highway 1 to St. Joe, and return over the same route, serving the intermediate point of Auburn; (2) from junction U.S. Highway 27 and Indiana Highway 8 just north of Garrett, over Indiana Highway 8 to Avilla, thence over Indiana Highway 3 to junction Indiana Highway 8, thence over Indiana Highway 8 to Albion, thence

over Indiana Highway 9 to junction U.S. Highway 6, and thence over U.S. Highway 6 to Nappanee, and return over the same route serving the intermediate points of Avilla and Albion, and the off-route point of Syracuse; (3) from Albion over unnumbered highway westwardly to junction U.S. Highway 33, thence over U.S. Highway 33 to junction Indiana Highway 8, thence over Indiana Highway 8 to junction Indiana Highway 5, thence over Indiana Highway 5 to junction U.S. Highway 33, and thence over U.S. Highway 33 to junction U.S. Highway 6, and return over the same route, serving the intermediate points of Kimmell and Cromwell; (4) from junction unnumbered highway and U.S. Highway 33 near Kimmell, over U.S. Highway 33 to junction U.S. Highway 33 and Indiana Highway 5, and return over the same route; and (5) from junction U.S. Highway 6 and Indiana Highway 9, over U.S. Highway 6 to Kendallville, and thence over Indiana Highway 3 to Avilla, and return over the same route, serving no intermediate points, for operating convenience only.

NOTE: Applicant states that the following restrictions shall apply to the proposed operations: That the service to be performed by applicant shall be limited to service which is auxiliary to, or supplemental of, rail service of The Baltimore and Ohio Railroad Company. Applicant shall not serve or interchange traffic at any point not a station or industry on the rail line of such railroad. All shipments to be transported shall be limited to those moving on a through bill of lading, covering in addition to a motor carrier movement by applicant, an immediately prior or subsequent movement by rail, on rail cars.

No. MC 118627, filed February 12, 1959. Applicant: CLELAN E. MARTIN, Concord, Ark. Applicant's attorney: M. F. Highsmith, North Arkansas Bank Building, Batesville, Ark. Authority sought to operate as a *contract carrier*, by motor vehicle, over regular routes, transporting: *Poultry feed and feed concentrates* (90 percent bulk feed), from Kansas City, Mo., to Batesville, Ark.: from Kansas City over U.S. Highway 71 to junction Missouri Highway 35 at or near Harrisonville, Mo., thence over Missouri Highway 35 to Clinton, Mo., thence over Missouri Highway 13 to Springfield, Mo., thence easterly over U.S. Highway 60 to Cabool, Mo., thence over U.S. Highway 63 to Hardy, Ark., thence over U.S. Highway 62 to junction Arkansas Highway 11, and thence over Arkansas Highway 11 to Batesville, serving no intermediate or off-route points; and *dressed poultry*, on return.

MOTOR CARRIERS OF PASSENGERS

No. MC 1501 (Sub No. 160), filed February 9, 1959. Applicant: THE GREYHOUND CORPORATION, a Delaware corporation, 5600 Jarvis Avenue, Chicago 48, Ill. Applicant's attorney: Earl A. Bagby, Market and Fremont Streets, San Francisco 5, Calif. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage*, between Truckee, Calif., and Kings Beach, Calif., from Truckee over unnumbered highway to Kings Beach, and return

over the same route, serving all intermediate points, with service to be conducted in special operations only. Applicant is authorized to conduct operations throughout the United States.

NOTE: Applicant indicated that the purpose of this application is to establish an additional and more direct special operations route between Truckee and Kings Beach, to be designated as California Route No. 71-A (in Certificate No. MC 1501 Sub No. 138), as a segment of the route to be used for transportation of interstate traffic of applicant now moving in special operations from points in the San Francisco Bay Area, Modesto, Antioch, and Redding to Crystal Bay, Nev., over applicant's authorized routes.

No. MC 59155 (Sub No. 22), filed February 5, 1959. Applicant: REYNOLDS TRANSPORTATION COMPANY, a corporation, 30 North Kanawha Street, Buckhannon, W. Va. Authority sought to operate as a *common carrier*, by motor vehicle, over a regular route, transporting: *Passengers and their baggage*, and *express, newspapers and mail* in the same vehicle with passengers, between Junction U.S. Highway 219 and West Virginia Highway 24 (Silverlake), and Oakland, Md., from junction U.S. Highway 219 and West Virginia Highway 24 over U.S. Highway 219 through Redhouse, Md., to Oakland, and return over the same route, serving all intermediate points. Applicant is authorized to conduct operations in Maryland, Virginia, and West Virginia.

NOTE: Applicant states it now has authority to operate between Elkins, W. Va., and Junction U.S. Highway 219 and West Virginia Highway 24 over West Virginia Highway 24 as a part of the route between Elkins and Aurora, W. Va.; that concurrently herewith a petition is being filed by applicant to cancel or revoke the route between Junction U.S. Highway 219 and West Virginia Highway 24 to Aurora, W. Va.

No. MC 106798 (Sub No. 5), filed February 14, 1959. Applicant: BRIDGE-TON TRANSIT, a corporation, 690 North Pearl, Bridgeton, N.J. Applicant's attorney: Robert G. Howell, 102 West Broad Street, Bridgeton, N.J. Authority sought to operate as a *common carrier*, by motor vehicle, over regular routes, transporting: *Passengers and their baggage* in the same vehicle with passengers, between Atsion, N.J., and Bordentown, N.J.: from the intersection of U.S. Highway 206 and New Jersey Highway 541 (Old Indian Trail), near Atsion, along U.S. Highway 206 and New Jersey Turnpike Interchange No. 7 to the intersection of New Jersey Turnpike Interchange No. 7 and New Jersey Turnpike near Bordentown, and return over the same route, serving no intermediate points, as an alternate route for operating convenience only in connection with applicant's authorized regular route operations. Applicant is authorized to conduct operations in New Jersey and New York.

APPLICATIONS FOR CERTIFICATES OR PERMITS WHICH ARE TO BE PROCESSED CONCURRENTLY WITH APPLICATIONS UNDER SECTION 5, GOVERNED BY SPECIAL RULE 1.240 TO THE EXTENT APPLICABLE

MOTOR CARRIERS OF PROPERTY

No. MC 110144 (Sub No. 3), (Republication) published February 11, 1959,

at pages 1042 and 1043 filed January 29, 1959. Applicant: JACK C. ROBINSON, doing business as ROBINSON FREIGHT LINES, 309 Humes Street, Knoxville, Tenn. Applicant's attorney: James W. Wrape, Sterick Building, Memphis 3, Tenn. Authority sought to operate as a common carrier, by motor vehicle, over regular routes, transporting: *General commodities, including Class A and B explosives*, (1) between Chattanooga, Tenn., and Memphis, Tenn., over U.S. Highway 64, serving the intermediate point of Hale Bar Dam; (2) between Greeneville, Tenn., and Bristol, Tenn., over U.S. Highway 11E via Johnson City, and (b) over U.S. Highways 19 and 19E via Elizabethton, Tenn., serving all intermediate points; (3) Between Knoxville, Tenn., and Bristol, Tenn., over U.S. Highway 11W serving the intermediate point of Kingsport, Tenn.; (4) between Chattanooga, Tenn., and Knoxville, Tenn., via Ooltewah, Mineral Park, MacDonald, Vonore, Maryville, and Alcoa over Tennessee Highways 2, 74, 33, and 73 serving all intermediate points except those between Cleveland and Chattanooga; (5) between Knoxville, Tenn., and Copperhill, Tenn., via Alcoa, Maryville, Vonore, Madisonville, Englewood, Etowah, Wetmore, Benton, Parksville, Ducktown, and Isabella over Tennessee Highways 73, 33, 74, and 40 serving all intermediate points; (6) between Etowah, Tenn., and Athens, Tenn., over Tennessee Highway 30 serving all intermediate points but restricted against the handling of traffic between Chattanooga and Athens, Tenn.; (7) between Cleveland, Tenn., and Greeneville, Tenn., over Tennessee Highways 2, 1, 9, and 34, serving all intermediate points except those between Cleveland and Loudon, Tenn.; (8) between Elizabethton, Tenn., and Boone, N.C., as follows: Elizabethton, Tenn., to Elk Park, N.C., via U.S. Highway 19E; Elk Park, N.C., to Adams, N.C., via North Carolina Highway 194; Adams, N.C., to Boone, N.C., via U.S. Highway 421, serving no intermediate points. Applicant is presently authorized to conduct the operations described in Routes 1 through 7 inclusive, by virtue of filing under the second proviso of section 206(a)(1) of the Interstate Commerce Act. This matter is directly related to MC-F 7089, which was published in the FEDERAL REGISTER February 4, 1959.

APPLICATIONS UNDER SECTIONS 5 AND 210a(b)

The following applications are governed by the Interstate Commerce Commission's special rules governing notice of filing of applications by motor carrier of property or passengers under section 5(a) and 210a(b) of the Interstate Commerce Act and certain other procedural matters with respect thereto (49 CFR 1.240).

MOTOR CARRIERS OF PROPERTY

No. MC-F-7064 (BEND-PORTLAND TRUCK SERVICE, INC.—PURCHASE—GEORGE OLTMAN and SUSIE E. OLTMAN, doing business as OLTMAN TRUCK SERVICE), published in the December 24, 1958, issue of the FEDERAL

REGISTER on page 10200. Supplement filed February 16, 1959, to show joinder of WILFRED JOSSY, 759 Roanoke, Bend, Oreg., and WILLIAM JOSSY (WILFRED JOSSY, EXECUTOR), as the person in control of vendee.

No. MC-F-7105. Authority sought for purchase by SECURITY STORAGE & VAN COMPANY, INC. (Alabama Corporation), 533 City Park Avenue, P.O. Box 1148, New Orleans, La., of the operating rights of SKELLET VAN AND STORAGE COMPANY, 251 Portland Avenue, Minneapolis, Minn., and for acquisition by HOWARD WOLCHANSKY, also of New Orleans, La., of control of such rights through the purchase. Applicants' attorneys: Carl V. Kretsinger and Tom B. Kretsinger, 1014-18 Temple Building, Kansas City 6, Mo. Operating rights sought to be transferred: *Household goods*, as defined in *Practices of Motor Common Carriers of Household Goods*, 17 M.C.C. 467, as a common carrier, over irregular routes, between points in Colorado, Connecticut, Illinois, Indiana, Iowa, Kentucky, Maryland, Michigan, Minnesota, Missouri, Nebraska, New Jersey, New York, North Dakota, Ohio, Pennsylvania, South Dakota, Tennessee, Virginia, Wisconsin, West Virginia, and the District of Columbia. Vendee is authorized to operate as a common carrier in Louisiana, Mississippi, Tennessee, Arkansas, Georgia, Florida, Missouri, Illinois, Alabama, Texas, South Carolina, North Carolina, Virginia, Maryland, New Jersey, New York, Oklahoma, Oregon, Arizona, Washington, California, and the District of Columbia. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7106. Authority sought for control and merger by CENTRAL WISCONSIN MOTOR TRANSPORT COMPANY, 610 High Street, Wisconsin Rapids, Wis., of the operating rights and property of HARWOOD TRUCKING, INC., P.O. Box 30, Gas City, Ind., and for acquisition by ARTHUR CLARK, also of Wisconsin Rapids, Wis., and HAROLD CLARK, Route 1, Oakfield, Wis., of control of such rights and property through the transaction. Applicants' attorneys: James K. Knudson, 1821 Jefferson Place NW, Washington 6, D.C., and Franklin R. Overmyer, 111 West Monroe Street, Chicago 3, Ill. Operating rights sought to be controlled and merged: *Pig iron*, as a common carrier over regular routes, from Hamilton, Ohio, to Upland, Ind., and from Hamilton over U.S. Highway 127 to Eaton, Ohio, thence over U.S. Highway 35 to Muncie, Ind., thence over Indiana Highway 3 to Hartford City, Ind., and thence over Indiana Highway 22 to Upland; *hand trucks*, from South Columbus, Ohio, to Gas City, Ind., and from South Columbus, over U.S. Highway 40 to Richmond, Ind., thence over U.S. Highway 35 to Jonesboro, Ind., and thence over Indiana Highway 22 to Gas City, Ind.; *empty cans and can covers*, from Chicago, Ill., to Gas City, Ind., and from Chicago over U.S. Highway 41 to Hammond, Ind., thence over U.S. Highway 6 to Gary, Ind., thence over Indiana Highway 130 to Valparaiso, Ind., thence over U.S. Highway 30 to Plymouth, Ind., thence over U.S. Highway 31 to Peru,

Ind., thence over Indiana Highway 21 to junction Indiana Highway 22, and thence over Indiana Highway 22 to Gas City, Ind.; *general commodities* with certain exceptions including household goods and commodities in bulk, over irregular routes, between Jonesboro, Muncie, Marion, Gas City, and Winchester, Ind., and points within one mile of Winchester, on the one hand, and, on the other, Kansas City, and St. Louis, Mo., Chicago, Peoria, Glenview, Streator, and Alton, Ill., Louisville, Ky., and points in Ohio, between Cincinnati, Reading, and Columbus, Ohio, Chicago, Chicago Heights, Alton, and Lawrenceville, Ill., and St. Louis, Mo., on the one hand, and, on the other, points in Indiana, and from Winchester, Ind., and points within one mile of Winchester, to Lawrenceburg, Ind.; between points in the Chicago, Ill., Commercial Zone, as defined by the Commission in 1 M.C.C. 673; and between points in Ohio north of U.S. Highway 40, on the one hand, and, on the other, Chicago and Chicago Heights, Ill.; *tank blocks, glass moulds, cullet, machinery, and parts, fire clay, and fire clay brick*, between Huntington, Fairmount, and Charleston, W. Va., Columbus, Toledo, Oak Hill, Cincinnati, and Steubenville, Ohio, Louisville, Ky., Hillsboro, Ill., and Muncie, Marion, Gas City, Terre Haute, and Winchester, Ind., and points within one mile of Winchester; *wire*, between Jonesboro, Ind., on the one hand, and, on the other, points in the lower peninsula of Michigan; *fertilizer*, from Louisville, Ky., to points in that part of Indiana east of a line beginning at Michigan City, Ind., and extending in a southerly direction along U.S. Highway 35 to Burlington, Ind., thence along Indiana Highway 29 to Indianapolis, Ind., thence along U.S. Highway 31 to junction U.S. Highway 31W, and thence along U.S. Highway 31W to the Indiana-Kentucky State line, including points on the indicated portions of the highways specified; *strawboard and straw papers*, from Noblesville, Ind., to Chicago, Ill., Dayton, Ohio, and St. Louis, Mo.; *glass, glass products, and caps, covers, tops and rubber rings for glass containers*, from Gas City, Muncie, Marion, and Winchester, Ind., and points within one mile of Winchester, to points in Wisconsin, West Virginia, those in Illinois except Chicago, Peoria, Glenview, Streator, and Alton, those in Missouri except Kansas City and St. Louis, those in Kentucky except Louisville, and those in the lower peninsula of Michigan; *roofing and siding and roofing and siding materials*, from Clearing, Ill., and East Chicago, Ind., to points in Indiana; *iron and steel articles*, from Evanston and Harvey, Ill., to points in Indiana; *stoves and stove parts*, from Harvey, Ill., to points in Indiana, and *rejected shipments* of all commodities listed above, from the above-specified destination points to the above designated origin points; *salt and salt compounds*, in quantities of not less than 20,000 pounds, from St. Clair, Mich., and Akron, Ohio, to points in Indiana, and *rejected shipments* of salt and salt compounds, from points in Indiana to St. Clair, Mich., and Akron, Ohio; *paper products*, and *supplies and machinery* used in the

manufacture of paper products, between Cayuga, French Lick, Goodland, and Monticello, Ind., on the one hand, and, on the other, Galva, Ill.; *soda ash*, in bulk, from points in Wayne County, Mich., and Painesville, Ohio, to Alton and Streator, Ill., Muncie, Gas City, and Terre Haute, Ind., and Columbus, Ohio, and from Barberton, Ohio, to Alton and Streator, Ill., and Columbus, Ohio; *paper and paper products*, from Chillicothe, Ohio, to St. Louis, Mo., Louisville, Ky., and points in Illinois within the Chicago Commercial Zone as defined by the Commission except Chicago; *fertilizer and fertilizing compounds*, from Detroit, Mich., to points in that part of Indiana on and south of U.S. Highway 24 and on and north of U.S. Highway 40, except Indianapolis, Terre Haute, Richmond, Winchester, Muncie, Fort Wayne, Marion, Kokomo, Anderson, Portland, Noblesville, New Castle, Hartford City, and Albany, Ind.; *asbestos building, roofing, and sheeting paper*, including felt paper, saturated or not saturated, not coated nor corrugated, *asbestos wallboard*, plain or polished, not ornamented, painted, glazed, enameled nor shaped, *asphalt, felt and paper, building, roofing, or sheeting, felt and paper sound deadening material*, saturated or coated with asphalt, pitch or similar materials and surfaced or not surfaced with talc, mica, soapstone, crushed slate, vermiculite, or similar materials, *roofing, composition or prepared, roofing pitch, shingles, asphalt, shingles, asphalt, with wood base, shingles, hard asbestos (artificial stone shingles or slates), siding, asphalt or asbestos, boards and planks, asphalt composition paving or flooring, board, wall or ceiling, fibreboard or pulpboard, carpet lining, paper, including felt paper, plain, other than indented, cotton cloth, saturated or coated with asphalt, eave filler strips and flashing blocks, asphalt composition, gravel, paving joints, expansion, asphalt, asphalt base, or rubber composition, roofing tar and cement, roof coating (not paint or stain) having asphalt, pitch, tar, or rosin base, roofing granules, crushed stone, slate, slag, gravel, and iron ore tailings, slag, tin roofing caps, nails, metal fasteners and clamps, clay flashing blocks, asbestos ridge rolls, corrugated asbestos roofing and sheeting hard flat asbestos sheeting*, from Lockland, Ohio, to points in Indiana, and rejected shipments of the above-specified commodities, from points in Indiana to Lockland, Ohio. CENTRAL WISCONSIN MOTOR TRANSPORT COMPANY is authorized to operate as a common carrier in Minnesota, Illinois and Wisconsin. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7107. Authority sought for purchase by RED BALL, INC., 701 East Dewey, Sapulpa, Okla., of the operating rights and property of OKLAHOMA-LOUISIANA MOTOR FREIGHT CO., Box 2667, Stockyards Station, Oklahoma City, Okla., and for acquisition by EARL FOSTER, Box 3127, Oklahoma City, Okla., and FIRST NATIONAL BANK & TRUST CO., First National Building, Tulsa, Okla. (Trustees), of control of

such rights and property through the purchase. Applicants' attorneys: Earl Foster, Box 3127, Oklahoma City, Okla., and W. T. Brunson, 508 Leonhardt Building, Oklahoma City 2, Okla. Operating rights sought to be transferred: *Storage batteries*, as a common carrier, over irregular routes, from Oklahoma City, Okla., to Monroe, West Monroe, Shreveport, Alexandria, and Lake Charles, La.; *rough rolled glass, from Okmulgee, Okla., to Shreveport, La.; batteries, glass and glass articles, glass containers and in connection therewith caps, stoppers, or jar rings, butter, dressed poultry, eggs, fresh meat, packinghouse products, and canned dog food*, minimum 14,000 pounds from one consignor, from points in Oklahoma to points in Louisiana; *fresh and canned sea foods, nuts, sugar, fresh and frozen fruits and vegetables, chinaware, syrup, and mirrors*, minimum 14,000 pounds from one consignor, from points in Louisiana to points in Oklahoma; *extracts, flavoring concentrates, syrups, and petroleum products in containers*, from Oklahoma City, Okla., to points in Louisiana; *asphalt, and roofing and building materials*, from Shreveport, La., and points within five miles thereof, to points in Oklahoma on and east of a line consisting of U.S. Highway 281 from the Kansas-Oklahoma State line to Seiling, and thence U.S. Highway 183 from Seiling to the Oklahoma-Texas State line; *fertilizer*, from Shreveport, La., to points in Oklahoma; *canned vegetable and sauces*, from St. Martinville, La., to Oklahoma City, Okla.; *petroleum products*, in containers, from Tulsa, Okla., to points in Louisiana; *shingles, and articles used in the installation of shingles*, from New Orleans, La., to points in Oklahoma. Vendee is authorized to operate as a common carrier in Louisiana, Oklahoma, Texas, Arkansas, Colorado, and Kansas. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7108. Authority sought for purchase by MAY GREVER and CLYDE as GREVER TRUCKING CO., 6315 West Eighth Street, Tulsa, Okla., of a portion of the operating rights of R. L. ROGERS, H. L. ROGERS and H. L. ROGERS, JR., a partnership, doing business as ROGERS TRUCK LINE, Sidney, Nebr. Applicants' attorneys: W. T. Brunson, 508 Leonhardt Building, Oklahoma City, Okla., and Ewell H. Muse, Jr., Perry-Brooks Building, Austin, Tex. Operating rights sought to be transferred: *Machinery, equipment, materials, and supplies used in, or in connection with, the discovery, development, production, refining, manufacture, processing, storage, transmission, and distribution of natural gas and petroleum, and their products and by-products, and machinery, materials, equipment, and supplies used in, or in connection with, the construction, operation, repair, servicing, maintenance, and dismantling of pipe lines, including the stringing and picking up of pipe, except the stringing or picking up of pipe in connection with main pipe lines, as a common carrier over irregular routes, between points in Texas on the one hand, and, on the other, points in Colorado, Wyoming,*

Montana, and Utah. Vendee is authorized to operate as a common carrier in Kansas, Oklahoma, Texas, Arkansas, Louisiana, Mississippi, and Missouri. Application has been filed for temporary authority under section 210a(b).

No. MC-F-7109. Authority sought for purchase by MIDWEST COAST TRANSPORT, INC., Wilson Terminal Building, P.O. Box 747, Sioux Falls, S. Dak., of the operating rights of THRU-WAY EXPRESS, INC., 64 Diamond Street, Plainville, Conn. (THE FINANCE DISCOUNT CORPORATION, SUCCESSOR IN INTEREST), 49 Pearl Street, Hartford, Conn., and for acquisition by H. LAUREN LEWIS, also of Sioux Falls, of control of such rights through the purchase. Applicants' representative: H. Lauren Lewis, President, Midwest Coast Transport, Inc., P.O. Box 747, Sioux Falls, S. Dak. Operating rights sought to be transferred: *General commodities with certain exceptions including household goods and commodities in bulk, as a common carrier, over regular routes, between Plainville, Conn., and Jamestown, N.Y., serving no intermediate points; washing, ironing, and voting machines, and iron, steel, and aluminum articles*, from Jamestown, N.Y., to Pittsburgh, Pa., serving certain intermediate and offroute points, restricted to delivery only, as follows: (From Jamestown over unnumbered highway through Busti, N.Y., to Sugar Grove, Pa., thence over Pennsylvania Highway 69 to junction Pennsylvania Highway 27, thence over Pennsylvania Highway 27 to junction Pennsylvania Highway 227, thence over Pennsylvania Highway 227 to junction Pennsylvania Highway 8, thence over Pennsylvania Highway 8 to Pittsburgh, and from Jamestown over New York Highway 60 to junction U.S. Highway 62, thence over U.S. Highway 62 to junction U.S. Highway 6, thence over U.S. Highway 6 to junction Pennsylvania Highway 27, thence over the route specified immediately above to Pittsburgh); *materials equipment, and supplies used in the manufacture of washing, ironing, and voting machines, and iron, steel, and aluminum articles*, from Pittsburgh, Pa., to Jamestown, N.Y., serving certain intermediate and off-route points, and points within 25 miles of Pittsburgh, restricted to pick-up only; *household goods as defined by the Commission, over irregular routes, between Plainville, Conn., and points within five miles of Plainville, on the one hand, and, on the other, points in Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, New York, and New Jersey; kitchen sinks and cabinets, and washing machines and parts thereof*, from Youngstown, Warren, and Salem, Ohio, to Hartford, Bridgeport, and New Haven, Conn.; *rejected shipments of the commodities specified immediately above, from Hartford, Bridgeport, and New Haven, Conn., to Jamestown, N.Y., to Hartford, Bridgeport, and New Haven, Conn.; rejected shipments of the commodities specified immediately above, from Hartford, Bridgeport, and New Haven, Conn., to Jamestown, N.Y.; washing machines and automatic home*

laundry equipment and parts thereof, from Clyde, Ohio, to Hartford, Conn.; and rejected shipments of the commodities specified immediately above, from Hartford, Conn., to Clyde, Ohio. Vendee is authorized to operate as a *common carrier* in Washington, North Dakota, South Dakota, Oregon, Minnesota, Iowa, Utah, California, Nevada, Nebraska, Idaho, Montana, Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New Jersey, New York, and Pennsylvania. Application has not been filed for temporary authority under section 210a(b).

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-1653; Filed, Feb. 25, 1959;
8:50 a.m.]

[Notice 74]

MOTOR CARRIER ALTERNATE ROUTE DEVIATION NOTICE

FEBRUARY 20, 1959.

The following letter-notices of proposals to operate over deviation routes for operating convenience only with no service at intermediate points have been filed with the Interstate Commerce Commission, under the Commission's Special Rules Revised, 1957 (49 CFR 211.1(c) (8)) and notice thereof to all interested persons is hereby given as provided in such rules (49 CFR 211.1(d) (4)).

Protests against the use of any proposed deviation route herein described may be filed with the Interstate Commerce Commission in the manner and form provided in such rules (49 CFR 211.1(e)) at any time but will not operate to stay commencement of the proposed operations unless filed within 30 days from the date of publication.

Successively filed letter-notices of the same carrier under the Commission's Deviation Rules Revised, 1957, will be numbered consecutively for convenience in identification and protests if any should refer to such letter-notices by number.

MOTOR CARRIERS OF PROPERTY

No. MC 3009 (Deviation No. 1), WEST BROTHERS, INC., P.O. Box 952, Hattiesburg, Miss., filed February 2, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Birmingham, Ala., and Jackson, Miss., as follows: from Birmingham over U.S. Highway 78 to Guin, Ala.; thence over U.S. Highway 278 to Shannon, Miss.; thence over U.S. Highway 45 to Tupelo, Miss.; thence over Mississippi Highway 6 to Batesville, Miss.; thence over U.S. Highway 51 to Jackson and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Birmingham, Ala., and Jackson, Miss., over the following pertinent route: from Birmingham over U.S. Highway 11, Alabama Highway 5 and U.S. Highway 43 to Mobile, Ala.; thence over U.S. Highway 98 to junction U.S. Highway 49 near Hattiesburg, Miss.,

thence over U.S. Highway 49 to Jackson.

No. MC 18264 (Deviation No. 3), HARTFORD TRANSPORTATION CO., INCORPORATED, 2434 Berlin Turnpike, Newington, Conn., filed February 18, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between the Western Terminus of the New England Section of the New York State Thruway at the intersection of Bruckner Boulevard and Westchester Avenue in the Bronx, New York City, N.Y., and the junction of the Bryam River Bridge at the New York-Connecticut State line with the Western Terminus of the Connecticut Turnpike near Port Chester, N.Y., as follows: from the Western Terminus of the New England Section of the New York State Thruway over the New York State Thruway and access routes to the junction of the Bryam River Bridge with the Western Terminus of the Connecticut Turnpike and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Berlin, Conn., and New York, N.Y., over the following pertinent route: from Berlin over Alternate U.S. Highway 5 to junction U.S. Highway 5, thence over Alternate U.S. Highway 5 via Meriden, Conn., to junction U.S. Highway 5, thence over U.S. Highway 5 to New Haven, Conn., and thence over U.S. Highway 1 to New York.

No. MC 67216 (Deviation No. 1), BEACON FAST FREIGHT COMPANY, INC., 161 Medford Street, Charlestown, Mass., filed February 13, 1959. Attorney for said carrier, Kenneth B. Williams, 111 State Street, Boston 9, Mass. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over two deviation routes, (A) between the Eastern Terminus of the Connecticut Turnpike, near South Killingly, Conn., and the Western Terminus of the New England Section of the New York State Thruway, at the intersection of Bruckner Boulevard and Westchester Avenue, in the Bronx, New York City, N.Y., as follows: From the Eastern Terminus of the Connecticut Turnpike over the Connecticut Turnpike and access routes to the Connecticut-New York State line, thence over the New England Section of the New York State Thruway and access routes to New York, N.Y.; and (B) between the Eastern Terminus of the Massachusetts Turnpike at or near Weston, Mass., and the junction of the Massachusetts Turnpike with Massachusetts Highway 15 at or near Sturbridge, Mass., as follows: from the Eastern Terminus of the Massachusetts Turnpike over the Massachusetts Turnpike and access routes to Sturbridge, Mass.; and return over the same routes, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities over the following pertinent route: from Cambridge, Mass., over U.S. Highway 1 to Jersey City, N.J.

No. MC 74721 (Deviation No. 5), MOTOR CARGO, INC., 1540 West Market Street, Akron 13, Ohio, filed February 16, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over two deviation routes, (A) between junction U.S. Highway 224 (new) and U.S. Highway 21 (old) and junction relocated U.S. Highway 224 (new) and U.S. Highway 42, approximately one mile south of old U.S. Highway 224, as follows: from junction new U.S. Highway 224 and U.S. Highway 21 (old) over relocated U.S. Highway 224 to junction U.S. Highway 42; and (B) between Mansfield, Ohio, and Bellville, Ohio, as follows: from Mansfield over relocated Ohio Highway 13 to Bellville; and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to operate over the following pertinent routes: from Akron, Ohio over U.S. Highway 224 to Anoka, Minn.; from Cleveland, Ohio, over U.S. Highway 42 to Indianapolis, Ind.; and from Columbus, Ohio, over Ohio Highway 13 to Mansfield, Ohio; and return over the same routes.

No. MC 78632 (Deviation No. 1), HOOVER MOTOR EXPRESS COMPANY, INC., Polk Avenue, P.O. Box 450, Nashville, Tenn., filed February 11, 1959. Carrier proposes to operate as a *common carrier* by motor vehicle of *general commodities*, with certain exceptions, over a deviation route, between Nashville, Tenn., and junction U.S. Highways 41 and 52, at or near Gravel Hill, Ind., as follows: from Nashville over U.S. Highway 41 to junction U.S. Highway 52 and return over the same route, for operating convenience only, serving no intermediate points. The notice indicates that the carrier is presently authorized to transport the same commodities between Nashville, Tenn., and Chicago, Ill., over the following pertinent route: from Nashville over U.S. Highway 31W to Louisville, Ky.; thence over U.S. Highway 31 to Indianapolis, Ind.; thence over U.S. Highway 52 to junction U.S. Highway 41, at or near Gravel Hill, Ind.; thence to Chicago.

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F. R. Doc. 59-1654; Filed, Feb. 25, 1959;
8:50 a.m.]

[Notice 2]

APPLICATIONS FOR MOTOR CARRIER CERTIFICATE OR PERMIT COVER- ING OPERATIONS COMMENCED DURING THE "INTERIM" PERIOD, AFTER MAY 1, 1958, BUT ON OR BEFORE AUGUST 12, 1958

FEBRUARY 20, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "interim" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by Special Rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provide, among

other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

No. MC 13123 (Sub No. 22) (REPUBLICATION), filed December 10, 1958, published issue February 18, 1959. Applicant: WILSON FREIGHT FORWARDING CO., 3636 Follett Avenue, Cincinnati, Ohio. Applicant's attorney: Wilmer B. Hill, Transportation Building, Washington, D.C. Authority sought under section 7 of the Transportation Act of 1958 to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, and wool imported from any foreign country, in straight and mixed loads with certain exempt commodities, between points in Delaware, Maine, Maryland, Massachusetts, Minnesota, Tennessee, Virginia, and Washington, D.C. and points in its Commercial Zone, on the one hand, and, on the other, points in Tennessee, Kentucky, Illinois, Indiana, Ohio, Pennsylvania, West Virginia, New York, Massachusetts, Rhode Island, Connecticut, New Jersey, Maryland, Virginia, North Carolina, Georgia, Alabama, Louisiana, Florida, Wisconsin, New Hampshire, Michigan, Nebraska, Missouri, and Washington, D.C., and points in its Commercial Zone.*

NOTE: This republication corrects the previous notice which failed to include the transportation of mixed shipments.

No. MC 41255 (Sub No. 30), filed December 1, 1958. Applicant: GRUBB MOTOR LINES, INC., Old Salisbury Road, P.O. Drawer 567, Lexington, N.C. Authority sought under section 7 of the Transportation Act of 1958 to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables and bananas, between Lexington and Charlotte, N.C., Charleston, S.C., Chicago, Ill., Omaha, Nebr., Tampa, Fla., Norfolk, Richmond and Hampton, Va., Jersey City, N.J., and Philadelphia, Pa.*

No. MC 108185 (Sub No. 22), filed December 8, 1958. Applicant: DIXIE HIGHWAY EXPRESS, INC., 1600 B Street, Meridian, Miss. Authority sought under section 7 of the Transportation Act of 1958 to operate as a common carrier, by motor vehicle, over regular routes, transporting: *Wool imported from any foreign country, and wool waste (carded, spun, woven or knitted), between Atlanta, Ga., and the site of the F. C. Huyck & Sons plant, near Aliceville, Ala.; from Atlanta over U.S. Highway 78 to Birmingham, Ala., thence over U.S. Highway 11 to Tuscaloosa, Ala., thence*

over U.S. Highway 82 to Coker, Ala., thence over County Road 2 to Aliceville, Ala., thence over Alabama Highway 17 to the site of the F. C. Huyck and Sons Plant, and return over the same route, serving no intermediate points.

No. MC 113533 (Sub No. 14), filed December 5, 1958. Applicant: WARREN P. KURTZ, doing business as LAKE REFRIGERATED SERVICE, 8901 Tonnel Avenue, North Bergen, N.J.; P.O. Box 173, Ridgefield, N.J. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Authority sought under section 7 of the Transportation Act of 1958 to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, and frozen vegetables, from points in New York, Michigan, Florida, Kansas, New Jersey, Pennsylvania, Ohio, Maryland, Tennessee, Minnesota, Wisconsin, Massachusetts, Nebraska, Oklahoma, Idaho, California, Texas, Georgia, Colorado, Utah, Illinois, Virginia, West Virginia, and Rhode Island to points in Virginia, Pennsylvania, Iowa, Kansas, Michigan, North Dakota, Ohio, Minnesota, Maryland, Illinois, Wisconsin, Texas, Missouri, New Jersey, Kentucky, Tennessee, Louisiana, Oklahoma, Maine, Nebraska, Indiana, Florida, Massachusetts, North Carolina, South Carolina, California, Colorado, Oregon, Arkansas, New York, Connecticut, Rhode Island, Vermont, Alabama, West Virginia, Georgia, New Hampshire, and the District of Columbia.*

No. MC 117997 (Sub No. 1), filed December 5, 1958. Applicant: BILL GOLDSTON, INC., Leaksville, N.C. Applicant's attorney: Clifford Frazier, Jr., 401-5 Banner Building, Greensboro, N.C. Authority sought under section 7 of the Transportation Act of 1958 to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Wool imported from any foreign country, wool tops and noils, and wool waste (carded, spun, woven or knitted), from points in Massachusetts and Philadelphia, Pa., to Leaksville, N.C.*

By the Commission.

[SEAL] HAROLD D. MCCOY,
Secretary.

[F.R. Doc. 59-1655; Filed, Feb. 25, 1959;
8:50 a.m.]

[Notice 6]

APPLICATIONS FOR MOTOR CARRIER "GRANDFATHER" CERTIFICATE OR PERMIT

FEBRUARY 20, 1959.

The following applications and certain other procedural matters relating thereto are filed under the "grandfather" clause of section 7(c) of the Transportation Act of 1958. These matters are governed by Special Rule § 1.243 published in the FEDERAL REGISTER issue of January 8, 1959, page 205, which provide, among other things, that this publication constitutes the only notice to interested persons of filing that will be given; that appropriate protests to an application (consisting of an original and six copies each) must be

filed with the Commission at Washington, D.C., within 30 days from the date of this publication in the FEDERAL REGISTER; that failure to so file seasonably will be construed as a waiver of opposition and participation in such proceeding, regardless of whether or not an oral hearing is held in the matter; and that a copy of the protest also shall be served upon applicant's representative (or applicant, if no practitioner representing him is named in the notice of filing).

No. MC-36746 (Sub-No. 9), filed December 3, 1958. Applicant: THE AMERICAN TRANSFER COMPANY, a corporation, 1112 Race Street, Baltimore 30, Md. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas, (1) between Baltimore, Md., on the one hand, and, on the other, points in Maryland, Pennsylvania, Virginia, West Virginia, the District of Columbia, New York, New Jersey, Manchester, N.H., and Boston, Mass.; (2) between New York, N.Y., and Weehawken, N.J., on the one hand, on the other, points in Maryland, Pennsylvania, the District of Columbia, Virginia, and West Virginia; (3) between Charleston, S.C., on the one hand, and, on the other, points in Maryland, Pennsylvania, the District of Columbia, Virginia, West Virginia, New York, and New Jersey; (4) between Norfolk, Va., on the one hand, and, on the other, points in Virginia, Maryland, the District of Columbia, Pennsylvania, West Virginia, New York, and New Jersey; (5) between Philadelphia, Pa., on the one hand, and, on the other, points in Pennsylvania, Maryland, the District of Columbia, Virginia, West Virginia, New York, and New Jersey; and (6) between Harrisburg, Pa., on the one hand, and, on the other, Baltimore, Md.*

No. MC 60303 (Sub No. 6), filed October 28, 1958. Applicant: ROY BARSHE, doing business as ROY BARSH TRUCK LINE, 1219½ Main Street, Joplin, Mo. Applicant's attorney: Robert R. Hendon, Investment Building, Washington 5, D.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas, from New Orleans, La., Mobile, Ala., and Galveston and Brownsville, Tex., to El Paso, Tex., Los Angeles, Calif., St. Joseph, Kansas City, Monett, and Springfield, Mo., Wichita, Smith Center, and Salina, Kans., Omaha, Nebr., and West Point, Miss.*

No. MC 107107 (Sub No. 111), filed December 8, 1958. Applicant: ALTERNATE TRANSPORT LINES, INC., 2424 Northwest 46th Street, P.O. Box 65 Alapah Station, Miami 42, Fla. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a common carrier, by motor vehicle, over irregular routes, transporting: *Bananas, tea, and frozen fruits, berries and vegetables, from points in Florida, New York, Illinois, New Jersey, Pennsylvania, Georgia, Ohio, Texas, Arkansas, Oklahoma, Louisiana,*

Maryland, Virginia, Rhode Island, Maine, Massachusetts, and Washington, D.C., to points in Florida, Illinois, Missouri, Wisconsin, Georgia, Indiana, and Kansas.

No. MC 111138 (Sub No. 14), filed November 28, 1958. Applicant: COLONIAL & PACIFIC FRIGIDWAYS, INC., 1215 Bankhead Highway, P.O. Box 2169, Birmingham, Ala. Applicant's attorney: Donald L. Stern, 924 City National Bank Building, Omaha 2, Nebr. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, from points in California, Oregon, and Washington, to points in California, Iowa, Illinois, Wisconsin, Minnesota, Michigan, Missouri, Nebraska, Kansas, and Indiana.

No. MC 113158 (Sub No. 2), filed December 9, 1958. Applicant: HARRY HARRINGTON TODD, doing business as TODD TRANSPORT CO., Secretary, Md. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, from points in Maryland, Delaware, New Jersey, Virginia, Pennsylvania, and New York, to points in Maryland, New Jersey, Pennsylvania, New York, Virginia, North Carolina, South Carolina, Georgia, Florida, Ohio, Delaware, Kentucky, Illinois, and Tennessee.

No. MC 113533 (Sub No. 15), filed December 5, 1958. Applicant: WARREN P. KURTZ, doing business as LAKE REFRIGERATED SERVICE, 8901 Tonnell Avenue, North Bergen, N.J. Applicant's attorney: Wilhelmina Boersma, 2850 Penobscot Building, Detroit 26, Mich. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, from points in New York, New Jersey, Pennsylvania, Ohio, Tennessee, Minnesota, Virginia, West Virginia, Rhode Island, Nebraska, Wisconsin, Massachusetts, Maryland, Georgia, Oklahoma, Kansas, Michigan, Illinois, and Florida to points in New York, Connecticut, Rhode Island, Massachusetts, New Jersey, Virginia, Pennsylvania, Maryland, Kansas, Indiana, Minnesota, Illinois, Vermont, Michigan, Iowa, Nebraska, Missouri, Wisconsin, South Dakota, Florida, Texas, Tennessee, Alabama, Louisiana, North Carolina, Ohio, South Carolina, West Virginia, Oklahoma, Maine, Georgia, North Dakota, New Hampshire, and the District of Columbia.

No. MC 115321 (Sub No. 1), filed December 10, 1958. Applicant: LEROY O. MARTIN, Ashville Post Office, Sullivan, Maine. Applicant's attorney: Mary E. Kelley, 10 Tremont Street, Boston 8, Mass. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen berries*, from points in Hancock County,

Maine, to points in Massachusetts, Connecticut, Pennsylvania, New Jersey, New York, Ohio, and Illinois.

No. MC 115322 (Sub No. 12), filed October 29, 1958. Applicant: J. M. BLYTHE, doing business as J. M. BLYTHE MOTOR LINES, 2939 Orlando Drive, P.O. Box 489, Sanford, Fla. Applicant's attorney: Frank B. Hand, Jr., Transportation Building, Washington 6, D.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables*, in straight and mixed loads with *certain exempt commodities*, between points in Alabama, Connecticut, Delaware, District of Columbia, Florida, Georgia, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Mississippi, New Hampshire, New Jersey, New York, North Carolina, Ohio, Pennsylvania, Rhode Island, South Carolina, Tennessee, Vermont, Virginia, and West Virginia.

NOTE: Applicant states that the above commodities were transported in mixed shipments with frozen fish and shell fish.

No. MC 115608 (Sub No. 3), filed December 9, 1958. Applicant: TEMPCO DISTRIBUTING CO., INC., 1006 South 15th Street, Manitowoc, Wis. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries and frozen vegetables and bananas*, from New York, N.Y., and points in Wisconsin to points in Maryland, Ohio, New Jersey, New York, Pennsylvania, Kansas, Missouri, and Colorado.

No. MC 116048 (Sub No. 2), filed November 7, 1958. Applicant: MANGUM TRUCKING COMPANY, INC., Route No. 3, Box 455, Charlotte, N.C. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, frozen berries, frozen vegetables, cocoa beans, coffee beans, tea, and bananas*, in straight and mixed loads with *certain exempt commodities*, from points in Florida, Alabama, Louisiana, Georgia, South Carolina, North Carolina, Virginia, Maryland, and New York, N.Y., Benton Harbor and Eau Claire, Mich., and Irvington, N.J., to points in Florida, Georgia, North Carolina, South Carolina, Virginia, Ohio, Maryland, Pennsylvania, and New York, and Chattanooga, Morristown, and Johnson City, Tenn.

NOTE: Applicant indicates that coconuts also have been transported.

No. MC 117779, filed October 30, 1958. Applicant: RICHARD JACOB, JR., AND JOSEPH G. JACOB, doing business as R. J. FRUIT AND PRODUCE TRUCKING, 6 North 19th Street, Richmond, Va. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Norfolk, Va., Charleston, S.C., Baltimore, Md., New York, N. Y., Weehawken, N.J.,

Miami and Tampa, Fla., and Philadelphia, Pa., to points in Florida, Virginia, Pennsylvania, Maine, Ohio, Kentucky, Mississippi, Georgia, Maryland, New York, Vermont, Indiana, Alabama, Louisiana, South Carolina, Delaware, Connecticut, New Hampshire, Illinois, West Virginia, North Carolina, New Jersey, Massachusetts, Rhode Island, Michigan, and Tennessee.

No. MC 117899, filed December 1, 1958. Applicant: THE C. D. SMITH CO., a corporation, 233 South Fifth Street, P.O. Box 839, Grand Junction, Colo. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *contract carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits and frozen berries*, from Delta, Colo., to points in Nebraska, Iowa, Illinois, Indiana, Ohio, Michigan, Minnesota, South Dakota, and Texas.

No. MC 117944, filed December 1, 1958. Applicant: O. J. CARTER, 7125 Ilex Street, Houston, Tex. Applicant's attorney: Edmund L. Cogburn, First National Bank Building, Houston, Tex. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Bananas*, from Galveston, Tex., and New Orleans, La., to Phoenix and Tucson, Ariz., Roswell, N. Mex., Los Angeles, Calif., and El Paso and Longview, Tex.

No. MC 118114, filed December 9, 1958. Applicant: J. EDWARD JARMAN, 26 Burley Street, Berlin, Md. Applicant's attorney: William J. Augello, Jr., 99 Hudson Street, New York 13, N.Y. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen fruits, berries and vegetables*, in straight and in mixed loads with *certain exempt commodities*, (1) from points in Delaware and Maryland to points in Connecticut, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan, Missouri, New Jersey, New Hampshire, New York, Nebraska, Ohio, Pennsylvania, Rhode Island, Wisconsin, and the District of Columbia; (2) between points in Delaware, Maryland, and Virginia; (3) from points in Illinois, Minnesota, New Jersey, New York, and Pennsylvania, to points in Delaware and Maryland; and (4) from points in Pennsylvania to points in New York.

No. MC 118159, filed December 8, 1958. Applicant: EVERETT LOWRANCE, 101 Airline Highway (P.O. Box 9199, Metairie, La.), New Orleans, La. Applicant's attorney: Harold R. Ainsworth, National Bank of Commerce Building, New Orleans 12, La. Grandfather authority sought under section 7 of the Transportation Act of 1958 to continue to operate as a *common carrier*, by motor vehicle, over irregular routes, transporting: *Frozen berries, frozen vegetables, coffee beans, and bananas* in straight and in mixed loads with *certain exempt commodities*, from New Orleans, La., Mobile, Ala., and Galveston and Brownsville, Tex., to points in Alabama, Arizona, Arkansas, California, Colorado, the Dis-

trict of Columbia, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Michigan, Minnesota, Mississippi, Missouri, Montana, Nebraska, New Mexico, North Carolina, North Dakota, Ohio, Oklahoma, Oregon, South Carolina, South Dakota, Tennessee, Texas, Utah, Virginia, Washington, West Virginia, Wisconsin, and Wyoming.

NOTE: Applicant indicates it also seeks authority to continue the transportation of coconuts in mixed shipments with the above-described commodities.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-1656; Filed, Feb. 25, 1959;
8:50 a.m.]

FOURTH SECTION APPLICATIONS FOR RELIEF

FEBRUARY 20, 1959.

Protests to the granting of an application must be prepared in accordance with Rule 40 of the general rules of practice (49 CFR 1.40) and filed within 15 days from the date of publication of this notice in the FEDERAL REGISTER.

LONG-AND-SHORT HAUL

FSA No. 35251: *Petroleum naphtha—Southwestern and mid-continent points.* Filed by Southwestern Freight Bureau, Agent (No. B-7476), for interested rail carriers. Rates on petroleum naphtha, tank-car loads from points in Kansas, Louisiana, Missouri, Oklahoma, and Texas to points in Illinois, Indiana, Iowa, Kansas, Michigan, Minnesota, Nebraska, South Dakota, and Wisconsin.

Grounds for relief: Market competition and competing forms of transportation.

Tariff: Supplement 58 to Southwestern Lines Freight Bureau tariff I.C.C. 4279.

FSA No. 35252: *T.O.F.C. Service—Commodities—Central territory points to points in eastern territory.* Filed by Wabash Railroad Company (No. 29), for interested rail carriers. Rates on various commodities loaded in trailers and transported on railroad flat cars from Chicago, Danville, Decatur, Ill., Detroit, Mich., Ft. Wayne, Lafayette, South Bend, Ind., St. Louis, Mo., and Toledo, Ohio to points in Delaware, Maryland, New Jersey, New York, and Pennsylvania.

Grounds for relief: Motor truck competition.

Tariff: Wabash Railroad Company tariff I.C.C. 7882.

FSA No. 35253: *Pumice—New Mexico points to points in the southwest.* Filed by The Atchison, Topeka and Santa Fe Railway Company, Agent (No. 84-A), for interested rail carriers. Rates on pumice, crude or crushed, carloads, as more fully described in the application, from Santa Fe, Domingo, and Bernalillo, N.M., to specified points in Arkansas, Louisiana (west of the Mississippi River), Oklahoma, and Texas.

Grounds for relief: Short-line distance formula and market competition.

Tariff: Supplement 222 to The Atchison, Topeka and Santa Fe Railway Company's tariff I.C.C. 14346.

By the Commission.

[SEAL] HAROLD D. McCoy,
Secretary.

[F.R. Doc. 59-1657; Filed, Feb. 25, 1959;
8:50 a.m.]

DEPARTMENT OF JUSTICE

Office of Alien Property

MRS. CHIYONO HASHIMOTO

Notice of Intention To Return Vested Property

Pursuant to section 32(f) of the Trading With the Enemy Act, as amended, notice is hereby given of intention to return, on or after 30 days from the date of publication hereof, the following property, subject to any increase or decrease resulting from the administration thereof prior to return, and after adequate provision for taxes and conservatory expenses:

Claimant, Claim No., Property, and Location

Mrs. Chiyono Hashimoto, 685-2 Tainohara, Ono-machi, Saiki-gun, Hiroshima-ken, Honshu, Japan; Claim No. 43978; \$549.07 in the Treasury of the United States. Vesting Order No. 8145.

Executed at Washington, D.C., on February 17, 1959.

For the Attorney General.

[SEAL] PAUL V. MYRON,
Deputy Director,
Office of Alien Property.

[F.R. Doc. 59-1658; Filed, Feb. 25, 1959;
8:50 a.m.]

DEPARTMENT OF LABOR

Wage and Hour Division

LEARNER EMPLOYMENT CERTIFICATES

Issuance to Various Industries

Notice is hereby given that pursuant to section 14 of the Fair Labor Standards Act of 1938 (52 Stat. 1060, as amended, 29 U.S.C. 201 et seq.), the regulations on employment of learners (29 CFR Part 522), and Administrative Order No. 485 (23 F.R. 200) and Administrative Order No. 507 (23 F.R. 2720), the firms listed in this notice have been issued special certificates authorizing the employment of learners at hourly wage rates lower than the minimum wage rates otherwise applicable under section 6 of the Act. The effective and expiration dates, occupations, wage rates, number or proportion of learners, learning periods, and the principal product manufactured by the employer for certificates issued under general learner regulations (§§ 522.1 to 522.11) are as indicated below. Conditions provided in certificates issued under special industry regulations are as established in these regulations.

Apparel Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.20 to 522.24, as amended).

The following learner certificates were issued authorizing the employment of 10 percent of the total number of factory production workers for normal labor turnover purposes. The effective and expiration dates are indicated.

Aalfs-Baker Manufacturing Co., Le Mars, Iowa; effective 2-13-59 to 2-12-60 (men's and boys' dungarees).

Ackerman Manufacturing Co., Ackerman, Miss.; effective 3-1-59 to 2-29-60 (cotton work shirts).

Cay Artley Apparel, Inc., 232 Levergood Street., 389 Maple Avenue, Johnstown, Pa.; effective 2-18-59 to 2-17-60 (women's dresses).

The Asher Co., 7 Willow Street, Fitchburg, Mass.; effective 2-10-59 to 2-9-60 (men's and boys' slacks).

Carwood Manufacturing Co., Baldwin, Ga.; effective 2-19-59 to 2-18-60 (men's cotton work pants).

Carwood Manufacturing Co., Cornelia, Ga.; effective 2-19-59 to 2-18-60 (men's work and sport shirts).

Carwood Manufacturing Co., Lavonia, Ga.; effective 2-19-59 to 2-18-60 (men's and boys' ivy league pants).

Carwood Manufacturing Co., Plant No. 1, Midland Avenue, Monroe, Ga.; effective 2-19-59 to 2-18-60 (men's and boys' dungarees, and lined work pants).

Carwood Manufacturing Co., Plant No. 2, Atlanta Highway, Monroe, Ga.; effective 2-19-59 to 2-18-60 (men's and boys' work pants, ivy league pants).

Clinton Garment Co., 1058 South Fourth Street, Clinton, Ind.; effective 2-13-59 to 2-12-60 (men's, boys', children's and women's car coats).

Clinton Garment Co., 1058 South Fourth Street, Clinton, Ind.; effective 2-13-59 to 2-12-60. Learners may not be employed at special minimum wage rates in the production of separate skirts (women's blouses).

Dickson City Garment Corp., Bowman & Dewey Streets, Dickson City, Pa.; effective 2-16-59 to 2-15-60 (children's apparel).

Glenn Slacks, Inc., Bruce, Miss.; effective 2-25-59 to 2-24-60 (men's walking shorts, boys' dress pants, men's and boys' semi-dress pants).

Holiday Wear, Inc., Ridgeland, S.C.; effective 2-13-59 to 2-12-60 (ladies' cotton dresses).

Indiana Sportswear Co., Homer City Road, Indiana, Pa.; effective 2-21-59 to 2-20-60 (men's and boys' outerwear jackets).

New Market Manufacturing Co., New Market, Va.; effective 2-16-59 to 2-15-60 (women's cotton knit sportswear).

Reliance Manufacturing Co., Plantation Factory, Montgomery, Ala.; effective 2-19-59 to 2-18-60 (men's and boys' twill and polished cotton pants).

Solomon Brothers Co., Butler, Ala.; effective 2-10-59 to 2-9-60 (men's sport shirts).

Southeastern Garment Co., Ltd., Monroe, Ga.; effective 2-12-59 to 2-11-60 (men's dress pants).

Weaver Pants Co., Inc., Corinth, Miss.; effective 2-16-59 to 2-15-60 (pants).

The following learner certificates were issued for normal labor turnover purposes. The effective and expiration dates and the number of learners authorized are indicated.

Lykens Dress Co., Inc., South Street, Lykens, Pa.; effective 2-11-59 to 2-10-60; 10 learners (women's dresses).

Morelle Manufacturing Co., 4916 Main Avenue, Ashtabula, Ohio; effective 2-16-59 to 2-15-60; 10 learners (ladies' dresses).

Shroyer Dress Co., Milton Branch, Rear 28 Prospect Avenue, Milton, Pa.; effective 2-12-59 to 2-11-60; 10 learners (women's and misses' dresses).

The following learner certificates were issued for plant expansion purposes. The effective and expiration dates and the number of learners authorized are indicated.

Biflex-Marion, Inc., Marion, Ala.; effective 2-13-59 to 8-12-59; 75 learners (ladies' cotton brassieres).

Happ Manufacturing Co., 598 Broadway, Macon, Ga.; effective 2-13-59 to 8-12-59; 10 learners (men's and boys' trousers).

Cigar Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.80 to 522.85, as amended).

General Cigar Co., Inc., 715 North 4th Street, Allentown, Pa.; effective 2-16-59 to 2-15-60; 10 percent of the total number of factory production workers for normal labor turnover purposes.

Glove Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.60 to 522.65, as amended).

Good Luck Glove Co., Carbondale, Ill.; effective 2-16-59 to 8-15-59; 25 learners for plant expansion purposes (cotton, jersey and leather combination).

Standard Glove Co., of New Jersey, 109 Fralingshuysen Ave., Newark, N.J.; effective 3-1-59 to 2-29-60; 5 learners for normal labor turnover purposes (knit fabric work gloves).

Hosiery Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.40 to 522.43, as amended).

Craftsmen Finishers, Inc., 108 Buffalo Street, Concord, N.C.; effective 2-16-59 to 8-15-59; 15 learners for plant expansion purposes (full-fashioned and seamless).

Lenoir Hosiery Mills, Inc., Lenoir, N.C.; effective 2-13-59 to 2-12-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (full-fashioned and seamless).

Mauney Hosiery Mills, Inc., Kings Mountain, N.C.; effective 2-13-59 to 2-12-60; 5 percent of the total number of factory production workers for normal labor turnover purposes (seamless).

Knitted Wear Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.30 to 522.35, as amended).

Russell Manufacturing Corp., Lebanon, Va.; effective 2-14-59 to 2-13-60; 5 percent of the total number of factory production

workers for normal labor turnover purposes (ladies' underwear).

Shoe Industry Learner Regulations (29 CFR 522.1 to 522.11, as amended, and 29 CFR 522.50 to 522.55, as amended).

Alco Ranch Washable Footwear Co., San Angelo, Texas; effective 2-12-59 to 2-11-60; 10 percent of the total number of factory production workers for normal labor turnover purposes (children's and ladies' moc-casins).

Johnson-Baillie Shoe Co., Millersburg, Pa.; effective 2-21-59 to 2-20-60; 10 percent of the total number of factory production workers for normal labor turnover purposes (men's, boys', youths', and girls' leather shoes).

Regulations Applicable to the Employment of Learners (29 CFR 522.1 to 522.11, as amended).

Darwood Manufacturing Co., Inc., 18 Pocasset Street, Fall River, Mass.; effective 2-16-59 to 8-15-59; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours, and not less than 95 cents an hour for the remaining 200 hours (boys' outerwear).

Esskay Manufacturing Co., 410 South Main Avenue, San Antonio, Texas; effective 2-16-59 to 8-15-59; 5 learners engaged in the production of men's and boys' clothing in the occupation of sewing machine operators for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and not less than 95 cents an hour for the remaining 200 hours.

Friedman-Marks Clothing Co., Inc., 1400 West Marshall St., Richmond, Va.; effective 3-1-59 to 8-31-59; 5 percent of the total number of factory production workers for normal labor turnover purposes, in the occupations of, sewing machine operating, final pressing, hand sewing, and finishing operations involving hand sewing, each for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and 95 cents an hour for the remaining 200 hours (men's suits, sport coats, slacks).

Hardwick Clothes, Cleveland, Tenn.; effective 3-1-59 to 8-31-59; 5 percent of the total number of factory production workers for normal labor turnover purposes in the occupation of sewing machine operator for a learning period of 480 hours at the rates of at least 90 cents an hour for the first 280 hours and 95 cents an hour for the remaining 200 hours (men's and boys' tailored garments).

The following learner certificates were issued in Puerto Rico to the companies hereinafter named. The effective and expiration dates, learner rates, occupations, learning periods, and the number or proportion of learners authorized to be employed, are as indicated.

Becton, Dickinson Inc. of Puerto Rico, Juncos, P.R.; effective 1-14-59 to 12-14-59; 5 learners for normal labor turnover purposes in the occupations of, first test tubes; shakedown and rack for point; point and unrack; chart and 2nd machine test; wax; scale; numbers; names and serials; blot and dip bulbs; etch and clean; paint and polish; inspect engraving; rack for certify; run thru for certify and certify, each for a learning period of 480 hours at the rates of 70 cents for the first 240 hours and 80 cents for the remaining 240 hours (replacement certificate) (clinical thermometers).

Superior Embroidery Co., Inc., 19 Morell Campos Street, Mayaguez, P.R.; effective 1-12-59 to 5-5-59; 25 learners for plant expansion purposes in the occupations of: (1) machine embroidery operators for a learning period of 480 hours at the rates of 53 cents an hour for the first 240 hours and 62 cents an hour for the remaining 240 hours; (2) hand cutting operation for a learning period of 240 hours at the rates of 53 cents an hour for the first 160 hours and 62 cents an hour for the remaining 80 hours (replacement certificate) (machine embroidery).

Each learner certificate has been issued upon the representations of the employer which, among other things, were that employment of learners at subminimum rates is necessary in order to prevent curtailment of opportunities for employment, and that experienced workers for the learner occupations are not available. The certificates may be annulled or withdrawn, as indicated therein, in the manner provided in Part 528 of Title 29 of the Code of Federal Regulations. Any person aggrieved by the issuance of any of these certificates may seek a review or reconsideration thereof within fifteen days after publication of this notice in the FEDERAL REGISTER pursuant to the provisions of 29 CFR 522.9.

Signed at Washington, D.C., this 19th day of February 1959.

MILTON BROOKE,
Authorized Representative
of the Administrator.

[F.R. Doc. 59-1645; Filed, Feb. 25, 1959; 8:49 a.m.]

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